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1948

PALESTINE

FILE NO. 8

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1948

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PALESTINE

Registry
Number } E3375/8/31

FROM "Extract"

No. House of Commons
Debate.

Dated

Received } 10th Mar
in Registry } 13th "Debate on the Palestine Bill.

Extract from House of Commons Debate on the
Palestine Bill, Opened by the Secretary of
State for the Colonies who Moved, "That the Bill
be now read for a second time.

Last Paper.

3374

(Minutes.)

14/3

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Next Paper.

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Nothing to be Written in this Margin.

E 3375 / 8 / 31

INDEXED

Mr. Evans.

Please see marked passage at col. 1322 within. Does the Attorney-General's statement mean that Jews of British birth or parentage, whether or not they have become Palestinian citizens, are still British nationals? The point is of some importance to Mr. Marriott, who is going to Haifa as Consul-General and who will be calling on me next week to discuss this and other questions.

H. Beeley 137

The position is not very exactly stated by the Attorney-General. British subjects who acquire Palestinian citizenship by naturalisation do not thereby cease to be British subjects, because Palestine is not a foreign state. Whether a national of another state (not a British subject) who acquired Palestinian citizenship would lose the nationality of that other state would depend on the law of that state.

M. Evans
15/3.

Pre. entered 1723
Hansard (H. 123)
for H. 10th March
(Palestine Bill) 3

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ORDERS OF THE DAY

PALESTINE BILL

Order for Second Reading read.

3.45 p.m.

The Secretary of State for the Colonies (Mr. Creech Jones): I beg to move, "That the Bill be now read a Second time."

This Bill is necessary to make provision for certain matters arising out of the termination of His Majesty's Government of Palestine. On 29th November the General Assembly of the United Nations recommended the adoption of a plan for the partition of Palestine with an economic union. That plan provided for the termination of the Mandate

"as soon as possible but in any case not later than 1st August, 1948."

The Bill accordingly provides that on a day to be appointed by His Majesty the jurisdiction of His Majesty in Palestine shall cease and His Majesty's Government will no longer be responsible for the government of Palestine. The day to be appointed, as has already been announced, will be 15th May of this year. As the House is aware, it will not be possible to withdraw all our Forces by that day, but they will be withdrawn by 1st August at the latest.

The Government of Palestine as we know it today will cease to exist on 15th May, and any contracts made by that Government will automatically terminate on that date, for example, contracts with public officers. The authority for the administration of Palestine after 15th May will, in accordance with the United Nations Resolution of 29th November, be the United Nations Palestine Commission. The partition plan gives the Commission authority to issue "necessary regulations." As I have said, His Majesty will have no jurisdiction in Palestine after 15th May, and any decision of His Majesty in Council after that day cannot be enforced. It necessarily follows that proceedings before the Privy Council must abate. A similar provision, I believe, was endorsed by the House in the Burma Independence Act. I understand, however, that it is likely that all pending cases from Palestine lodged with the

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[Mr. Creech Jones.]

Judicial Committee before the introduction of this Bill will be disposed of by 15th May.

The British Forces still in Palestine after that date will be in the position of armed forces in foreign territory. There is no exact precedent for the Palestine situation however. While I am advised that under international law the Forces will possess the necessary rights to protect themselves, and will have the powers required to secure their withdrawal, we have thought it right to give in the Bill express protection from proceedings in a British court in respect of acts done in good faith and in the executing of duty for the protection and withdrawal from Palestine of His Majesty's Forces or stores or other property. The troops in Palestine will merely carry out measures necessary for their safe withdrawal and the withdrawal of their stores. The action of our Forces will be limited to whatever may be required for the withdrawal and protection of themselves and their stores.

Immunity has also been conferred on the civil Government in respect of acts done for peace, order and good government in Palestine before the appointed day, or for the purpose of, or in connection with the termination of His Majesty's jurisdiction. The civil Government have, of course, been acting in accordance with the laws of Palestine and will continue so to act as far as is possible. But I am sure the House will appreciate that in the increasingly disturbed state of the country and in circumstances of extreme difficulty, which are entirely without precedent, it will not be possible for the Palestine Government to proceed in every way, and to leave every duty done, as if they were administering a peaceful country and an orderly population. We are not in the position of knowing what acts may be necessary in the increasing disorder in Palestine up to 15th May. After then the position is still more uncertain. The provisions are based on those of the Indemnity Act, 1920. It is for these reasons that it is proper to confer immunity from vexatious actions upon the officers of that Government.

The Bill also repeals Acts of Parliament having application to Palestine, but leaves them to continue in force as part of the domestic law of Palestine. Enactments specifically repealed relate to the

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raising of loans by the Palestine Government and their guarantee by the Treasury. There is one outstanding loan and the guarantee of that by the Treasury will continue. Clause 3 also repeals any enactments which have been applied to Palestine as a mandated territory. The Acts will, however, be repealed only so far as concerns the law of the United Kingdom, and are left to continue in force as part of the law of Palestine. Whether or not they will continue in force for long, will, of course, depend on the successor authorities, who will be able to alter them at their own will.

There are other transitional provisions, including power by Order in Council to transfer any funds or other property of the Government of Palestine which may be required to meet that Government's obligations. Thus the funds and other movable property vested in or belonging to the Government of Palestine can be vested in appropriate authorities here. Immovable property will, of course, be left to the successor authorities except such as is vested in a Government Department here, such as the War Office.

Regarding Palestine assets and liabilities generally, we are at present negotiating with the United Nations Commission in New York about them. Our object is to hand over the general assets of the Government to the successor authorities on their undertaking to meet liabilities. It may be that we shall be unable to complete satisfactory arrangements until well after 15th May, or possibly not at all. Accordingly we are taking power in this Bill to transfer to appropriate authorities here the funds and other movable property of the Palestine Government. They will be held until satisfactory arrangements can be made for meeting the obligations of the Palestine Government or for meeting liabilities falling due for settlement here, such as amounts due for payment under contracts placed on behalf of the Palestine Government by the Crown Agents for the Colonies, or such matters as retirement and superannuation benefits.

Power is also sought to adapt the Acts relating to superannuation so as to avoid any break in the service of officers of the Palestine Government which would otherwise be caused by that Government coming to an end. This is the only provision in

the Bill which will impose any charge on public funds, but I understand that it will be small. I should add that this becomes necessary as the service of the officers with the Palestine Government terminates on 15th May. The House has already been informed that the expatriate officers have the assurance of His Majesty's Government that they will receive the compensation and statutory benefit to which they are entitled on the terms which have been intimated to them, while the local Palestinian staff are similarly guaranteed the payments due to them until such time as successor authorities have emerged capable of taking over this liability.

Mr. Pickthorn (Cambridge University): I do not complain about the right hon. Gentleman reading upon this occasion, but merely in order to try to understand him I would ask him to read a little slower. When a speech is read it is much harder to follow than the speech which is not read.

Mr. Creech Jones: The point I was making was that in regard to superannuation rights an announcement has already been given to the House as to what benefits will be given to the Palestinian staff as well as to those members of the Colonial Service who are concerned.

It is fitting that I should refer now to several points which emerge from the Amendments on the Order Paper.

Mr. Ivor Thomas (Keighley): Before my right hon. Friend leaves the provisions of the Bill itself, would he say whether it would be possible, under Clause 3, to sequester of property now belonging to the Government of Palestine in order to meet the terms of compensation which he said, in an answer given to me about a week ago, were definitely promised to the Palestine Administration and the police force? His Majesty's Government have undertaken that they will be met, although they take the view that they should be met by the successor authorities.

Mr. Creech Jones: That is a matter among the financial arrangements with the successor authorities, which are now being discussed with the United Nations Palestine Commission. Until those negotiations have finished, I am not able to make a statement.

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Mr. Sydney Silverman (Nelson and Colne): Will my right hon. Friend say whether, supposing that all these things are some day agreed upon, he will then need to come to the House for another Bill?

Mr. Creech Jones: I do not think that is desirable, and I also think that the powers asked for in this Bill are sufficiently wide.

There are protests that the Bill fails to make provision for the independence of Jewish and Arab States in Palestine as provided by the United Nations decision. I should point out that the future form of government to be established in Palestine is not a matter for His Majesty's Government but for the United Nations Assembly. On termination of our exercise of an international Mandate it was proper that that international authority should determine the new form of government which Palestine should enjoy. The Resolution of the Assembly provides that independent Arab and Jewish States shall be established by the United Nations Commission. There is nothing in this Bill which will prevent that. Indeed an act of the United Kingdom could not establish these independent States. Their recognition is a matter for international agreement, and cannot be done in a Bill designed to terminate the jurisdiction of His Majesty in Palestine.

It is also protested that the Bill makes no provision for the orderly transfer of His Majesty's jurisdiction to the United Nations Commission. It is assumed that acts for the orderly transfer of jurisdiction should be written into an Act of Parliament. What the Bill does is to leave the legal position straight, that is, to leave Palestine law in a form for the successor Government authority to take over. Moreover, the High Commissioner in Palestine has, by Order in Council, been given power to make such legal provision as will be appropriate in preparation for the withdrawal of His Majesty's Government, thus leaving a body of law in a suitable state for the Commission to administer.

With the concurrence of the Commission, these powers are being exercised, for example, to transfer to municipal authorities certain administrative functions now exercised by the central Government. I repeat that the Bill makes the way clear for the establishment of

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[Mr. Creech Jones.] the successor authority in Palestine and for the United Nations to take up its task. It places no impediment in the way of the United Nations Commission assuming the tasks required of it by the Assembly's Resolution. It terminates His Majesty's jurisdiction and everything that can be done by legislation is done to leave the house in order for the incoming tenant.

I understand that our policy in respect to Palestine is thought to undermine the authority of the United Nations organisation. I should like to meet this criticism. Presumably, it is based on our attitude to the Mandate and future government of Palestine; on our alleged non-co-operative attitude to the United Nations Commission; and on our refusal to enter into fuller commitments in Palestine should forces be called for to impose the Assembly's plan for Palestine.

The question of our attitude to the Mandate, which proved in practice both self-contradictory and unworkable, and of the reference of the Palestine question to the United Nations, has been debated in the House, and I need not explain further the principles of the Government's policy. There is no substantial body of opinion which believes that the Mandate should not be terminated. We gave full notice to the United Nations of our intention that in the absence of a settlement between Jews and Arabs we must plan for the withdrawal of the civil administration and military forces. That decision was welcomed by the United Nations.

We accepted the twelve general recommendations of the United Nations Special Committee which went to Palestine, and we contributed from our knowledge and experience to all the committees established by the United Nations for the study of the problem. We made it clear that we could not be responsible for implementing or enforcing any policy determined by the United Nations, nor could we carry responsibility for any changes through an indefinite transition period until Palestine attained independence. The Assembly accepted that position, and resolved that:

"The Mandate for Palestine should terminate as soon as possible but in any case not later than 1st August, 1948."

In this respect, therefore, our policy fully accords with the views of the United Nations. But it is alleged that since the

resolution of the Assembly we have pursued a non-co-operative attitude with the United Nations Commission. I should point out that in the discussion on partition in the autumn we left no doubt as to our position in the future affairs of Palestine.

We made it plain that the success of any plan in Palestine depended on Arab and Jewish co-operation, that implementation must be an essential part of any plan, and that if an attempt were made to impose a policy which one or other community vigorously opposed, the means of enforcement was an important aspect of implementation. As for ourselves, we had asked for the judgment of an international opinion on the future government of Palestine, we had refused to prejudice discussion by promoting any plans of our own or urging any interests we may have in Palestine, and we had made it clear that we would not oppose the judgment. Indeed, both the Foreign Secretary and myself said to the House in December that His Majesty's Government accepted the conclusion of the United Nations as to the future government of Palestine. Since the last Debate in this House we have acted in accordance with the policy we announced.

After the November meeting of the Assembly we told that body that it was essential to set up the United Nations Palestine Committee without delay. At once we sent our experts to New York in order that the fullest knowledge should be made available to the Commission. We have supplied the Commission with considerable information and discussed many problems with them concerning the withdrawal and orderly transfer of administration, and we have brought to their notice numerous matters which must be dealt with if they are to assume effective authority in Palestine. In this respect His Majesty's Government have been fully co-operative, though we have refrained from actions which would involve implementation of the United Nations policy. We have dealt with such matters as communications, the future personnel of the administration, the continuing food supply of Palestine and certain problems relating to the economy of the country; and we have submitted a considerable number of other problems which must be determined by the Commission at an early date.

The Commission have also asked us about our attitude to certain of the recommendations of the Assembly's Resolution. We have been unable, on grounds of security in Palestine, to make a port available to the Jews from 1st February for immigration of men and arms. We could not thus surrender our authority over a part of Palestine, while still retaining responsibility for law and order in the country, particularly when the surrender of a port would involve the heavy task of meeting increased Arab resistance. The consequence of such a step could not be faced at a time when we were evacuating our own Forces, and preparing for the transfer of our authority. We felt, for similar security reasons, that our plan for withdrawing our Forces and administration must not be compromised by allowing other areas to pass outside our control before the termination of the Mandate.

We were asked also whether we could agree to allow the Provisional Councils of the two successor States to recruit armed militias from their residents, leaving political and military control to the Commission. We have made it clear that we could not permit any authority other than our own to exercise governmental functions in Palestine before the end of the Mandate. To allow the recruitment of militias would involve two distinct authorities in the country at one time, one of them taking steps to implement the United Nations plan. Further, such a procedure could not fail to increase immeasurably the possibility of grave disturbances while the Mandate still ran. The suggestion did not take account of the realities of the situation. The possible result of an attempt to form a representative militia for the proposed Jewish State, which includes some 400,000 Arabs in its area, when the Arabs were strongly resisting the implementation of the partition plan, should be apparent to everybody. The objections to this step, of course, apply with even greater force to the Jewish request that the Commission should immediately start to establish a purely Jewish militia for the Jewish State, with full training facilities and the acquisition of the necessary equipment and stores.

There was also a difference of view as to the time when the Commission should arrive in Palestine. Again, all the evidence appeared overwhelming that it was

most inadvisable that the Commission should overlap with the mandatory administration for more than a very brief period, since, in view of the declared attitude of the Arabs, it was apparent that the arrival of the Commission would be the signal for increased disorder. We informed the Commission of the grave difficulties involved, and while their staff have already begun to take up their work in Palestine, they themselves will work on the numerous vital matters which can be settled in New York, and which can only be agreed and settled in calm conditions—far different from those likely to be found in Palestine.

I have frankly stated these difficulties, because we are told by various people that this inability to meet these parts of the Resolution of the Assembly is symptomatic of our non-co-operative attitude to the United Nations Commission. I say emphatically that the grave position in Palestine, and the security needs, alone account for the decisions His Majesty's Government took on the matters I have mentioned. In all this discussion by our critics there has been little comprehension of the problems confronting the administration and the Services in Palestine. Until 15th May we have a heavy and complicated responsibility in Palestine. It involves the carrying on of the administration in conditions of outrage and civil violence—almost civil war—at a time when that administration has to wind up its work, make arrangements for the transfer of Services and authority, and provide copious information to the United Nations, when its staffs are depleted and working with difficulty, and when the Services are packing and withdrawing as well as deployed to deal with disorder and outrages. It is important that the problem of our administration and Services should be appreciated as much as the problem of the United Nations Commission itself. I would only add that the situation in Palestine has tragically deteriorated since the Assembly Resolution. Consequently, the Assembly's plan, conceived as it was in conditions of strong partiality, has, in some respects, proved impracticable and unworkable.

The distinguished Chairman of the Palestine Commission has told the Security Council that many of these points which I have already mentioned are really irrelevant to the basic problem of applying the Assembly's Resolution. He

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[Mr. Creech Jones.] indicated clearly that Arab and Jewish co-operation is a fundamental necessity, and that that co-operation is not forthcoming. Given the most perfect conditions, the scheme is hardly workable in many important respects; in any case, the co-operation which is required cannot be expected in the case of a plan to be imposed by force. The Commission therefore reached the conclusion that a non-Palestinian security force is essential for the protection of the Commission on its arrival and for assisting it in carrying out the terms of the Assembly's plan.

The British representatives on the Security Council, while pointing out the gravity of the situation in Palestine and the urgency of the matter, have maintained the view before the Council that this country cannot commit itself further in respect of Palestine, and that our Forces must be withdrawn and our civil administration end on the announced date. We decline to be parties in the implementation and enforcement of a scheme which is calculated inevitably to involve the Forces of the United Kingdom in a prolonged stay in Palestine, and the coercion by force of a considerable section of the population to a plan which they are determined actively to resist. I do not believe, after our bitter and tragic experience, that the British public would tolerate any new commitments in Palestine.

I want to emphasise, however, that we do not want to see our work in Palestine during the past 25 years undone; and that we have tried by our negotiations to secure an orderly transfer of authority and responsibility. It will interest the House to know that with a view to helping to that end the Government of Palestine are doing their utmost to facilitate the operation of essential services by local authorities after 15th May. They are creating and extending the powers of municipal and local councils and giving them new authority in respect to finance and the control of services. Municipal police forces are being formed in Jaffa and in 18 other medium sized Arab towns. A country wide scheme for the enrolment of armed special constables to police Arab villages is being initiated. These forces will be part of the Palestine Police Force until transfer to local authorities. Efforts to recruit a civil police force in

Jerusalem, of Jews and Arabs, are also being made.

Certain water supplies have already been handed to local authorities for custody and operation. Arrangements have also been made to transfer responsibility for social welfare and remand homes. Plans for handing over Arab schools to the management of local authorities are in train, and it is hoped to supply a six months' stock of drugs and dressings to treatment centres and to persuade medical practitioners to maintain these centres. The Government farm is to be maintained by Acre Municipality. In this and in other ways we are trying to get orderly conditions which can be maintained after the 15th May.

I have referred to the conflict and outrages which have been so distressing a feature of the Palestine scene in recent months, and which have caused such grievous loss to British families here as well as to decent Jews and Arabs, and women and children, in Palestine itself. We have been charged by both sides with favouring one or the other in this terrible trouble. I can find no evidence to sustain the baseless innuendoes and charges one often reads and hears. No side can excuse, and no one attempt to justify, the outrages by armed groups in either community.

The security Forces have had a desperately difficult task and they, with all our administrative and technical officers and officials, are entitled to our most generous appreciation in the anxious work and the enduring strain which they have experienced. They have tried to draw no distinction between Jews and Arabs in their action to suppress the activities of those obviously guilty of assault and violence. It has not been our policy to remove from the inhabitants of Palestine those weapons which can be regarded as necessary for defence on our departure. No searches for arms are being carried out, but where it is clear that arms have been, or are likely to be, used for offensive purposes, the security Forces in their exercise of impartial duty, confiscate such weapons.

We deeply deplore the fact that certain Arab bands have crossed the frontiers and dispersed themselves among the Arab villages. It is too often forgotten, however, how difficult it is, in the existing circumstances in Palestine, to control all

the frontiers; how much patrolling has been done and how many Arab arms have been confiscated; how many bands of Arabs have been repulsed and how we have defended Jewish settlements. His Majesty's representatives in the Arab States which appear to be concerned have left the Arab Governments in no doubt of the serious view which His Majesty's Government take of these incursions from their territories into Palestine.

There are many other matters to which reference should be made—

Mr. Warbey (Luton): Can my right hon. Friend say how many public protests have been made to Arab Governments in respect of these incursions?

Mr. Creech Jones: That I cannot answer, but we have made our protests, and representations have been made to the Arab States which we believe to have been involved.

There are many other matters to which some reference should be made in any statement concerning the termination of our responsibilities in Palestine under the Mandate. We have a formidable agenda of matters still awaiting the attention of the Palestine Commission—problems concerning communications, posts, municipal and local council powers, prisoners, medical services and many other things. His Majesty's Government have assumed that after 15th May the United Nations Palestine Commission will be exercising the functions of Government in Palestine. Whether that is possible now, no one at the moment dare say.

Mr. R. A. Butler (Saffron Walden): The right hon. Gentleman has made a very important statement. He has been referring throughout to the successor authority, but his last statement is to the effect that it may not be possible for this authority to take control on 15th May. What does he propose in that event?

Mr. Creech Jones: The British Mandate terminates on 15th May. Our civil administration, therefore, comes to an end. We have tried to create the conditions whereby orderly life can continue in Palestine, by creating local security forces and transferring powers to local councils, and to Jewish and Arab groups, in order that much of the normal life and many of the services of the country

can continue. It is possible that the Palestine Commission of United Nations may find itself unable to proceed to Palestine because suitable arrangements have not been made, either by the Security Council or by other organs of the United Nations, for it to take up its duties there.

As I have said, no one can foresee precisely what the future of the Palestine Commission will be, but on withdrawal the mandatory administration will take whatever steps it can to hand over the assets of the Government of Palestine and to provide for the meeting of that Government's obligations. The United Nations Commission will, in the circumstances contemplated, be the effective authority in Palestine—

Mr. Pickthorn: The effective authority?

Mr. Creech Jones: In the circumstances contemplated under the partition recommendation.

Mr. Pickthorn: Will be the effective authority?

Mr. Creech Jones: As the situation is at the moment. Obviously, if the Commission is unable to take up its duties, we shall be confronted with a different and new situation.

It is contemplated that an overall financial agreement will be negotiated with the Commission covering the question of the transfer of assets of the Palestine Government and the acceptance of the liabilities properly incurred by that Government. Immovable assets in Palestine will be left to the successor authorities in the areas where they are situated, and arrangements will be made before our departure from Palestine to hand over to the Commission as trustee for the ultimate Government or Governments in Palestine all stores and other movable property belonging to the Palestine Government.

Certain of the proper liabilities of the Palestine Government will fall to be met in this country; for instance, the payment of leave salaries and retirement benefits of British staff of the Palestine Government who have been withdrawn to this country, of amounts due under contracts for the supply of stores to the Palestine Government, and of amounts due to the Ministry of Food for procurement of food supplies for Palestine. On the other hand, certain liquid and other assets of the

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[Mr. Butler.] it will be seen that, to a certain extent, there is agreement on the fundamentals of our Palestine policy. So far, so good.

I noticed that the right hon. Gentleman devoted a great part of his speech to attempts to answer ahead certain Amendments put upon the Order Paper. As far as we are concerned, we propose to leave the quarrel between the right hon. Gentleman and his so-called friends to him and them, and not to take part in it. We believe there is enough quarrelling in the Palestine situation already, and that the right hon. Gentleman had better settle his own little matters with his friends, or enemies, as he chooses to call them, to the best of his ability. The House has been placed in a most difficult position in being asked to pass a Bill when it is impossible to see more clearly what the circumstances of the future are going to be. I must enter the warning that, although we propose to let this Bill go through today on its Second Reading, I cannot claim, in view of the extraordinary fluid situation, that the last word has been spoken from this side. As my right hon. Friend the Member for West Bristol (Mr. Stanley), whose absence we so much regret on this matter today, with all his expert knowledge, said on 11th December, we are at the end of a chapter, but not at the end of the story. From the human point of view, it is always wise, in dealing with Palestine, to say that the last word has not been spoken.

Coming back to the speech of the Secretary of State for the Colonies, I am afraid I found it quite impossible to reconcile his extraordinary statement—which seems to me the apotheosis of myosis—that the house is in order for the incoming tenant, with his further statements that the administration is working in a atmosphere of outrage and civil violence, that the arrival of the Commission—which, I presume, is the new tenant—will be greeted with signs of increased disorder, that the situation has tragically deteriorated, and that he has frankly stated to us the difficulties.

Mr. Creech Jones: I think the right hon. Gentleman misunderstood what I said. I said that the house was clear for the incoming tenant, in respect of the matter of domestic law.

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Mr. Butler: I think it is just as well for the reputation of the British Government that the right hon. Gentleman should qualify his previous statement. I would rather let him out of his misery in the way he has himself devised than proceed further with my argument. I am perfectly satisfied myself what he said.

Mr. Mikardo (Reading): In the catalogue of apparent contradictory statements, the right hon. Gentleman left out one very important piece of myosis of my right hon. Friend, namely, that the prospects in Palestine are not bright.

Mr. Butler: As a matter of fact, the hon. Member has deprived me of a further gem to which I was coming.

Mr. Mikardo: I beg the right hon. Gentleman's pardon.

Mr. Butler: I do not wish this afternoon unduly to stress these matters, and I am obliged to the hon. Member for his very able assistance.

The right hon. Gentleman's statement, therefore, viewed from any point of view, is really a great exaggeration because it is fairly clear to us, from studying the present position in the United Nations, that not only is the partition plan in jeopardy, but that we are certainly no nearer organising a method of enforcement of this or any plan. In this connection, I do the right hon. Gentleman justice when I say that, as long ago as 11th December, and on occasions before that, according to his testimony today, he warned the United Nations, to use his words of the 11th December, that:

"The plan makes little provision for enforcement."—[OFFICIAL REPORT, 11th December, 1947; Vol. 445, c. 1211.]

That is not the only warning which has been given on this subject. The House will remember that, as long ago as 1st August, 1946, my right hon. Friend the Member for Woodford (Mr. Churchill) said from this side of the House:

"We should now give notice that we will return our Mandate to U.N.O., and that we will evacuate Palestine within a specified period."—[OFFICIAL REPORT, 1st August, 1946; Vol. 426, c. 1257.]

I should like to say, on behalf of my right hon. and hon. Friends and myself, that we consider that had the Government acted more energetically on the advice given to them by my right hon.

Friend, with his uncanny power of foreseeing events as they are likely to occur, we might well have been saved a great deal of the bloodshed and the trouble we have been through.

I do not believe that when, on that occasion, my right hon. Friend referred to the Government's previous activities as "a monument of incapacity"—that is, during their first year of office, the period between the election and the date on which he spoke—he was exaggerating. Since then we have had nearly two years, although I agree in all reason that part of the time has been spent in the United Nations' Commission examining the situation and part in delays at the United Nations organisation itself. I further say that I think the conduct of the Government and their views as expressed through their mouthpiece, Sir Alexander Cadogan, have in most instances been perfectly correct since the matter was before the United Nations, and we have little to quarrel with in the manner in which they have tried to put the facts of the case before the United Nations. But we do say that there has been unnecessary delay; to that extent the Government are responsible for the great troubles that have arisen, and they must bear their share of the responsibility.

Let us look at the chronology of recent events so that we can see what the present position is. It appears that on 5th March last the Security Council decided by eight votes to none, with Great Britain, Syria and the Argentine abstaining, to call upon the permanent members to say how the partition plan can be implemented and to report back in 10 days. The Government have, therefore, chosen a date right between those two dates of 5th March and 15th March to ask us to approve the Second Reading of this Bill. The present position, as I understand it, is that the United States, the Soviet Union, France and China, with Great Britain abstaining, are now deliberating how this crisis should be handled. In view of such uncertainty, any cautious person might refrain from giving assent to such a Bill at this moment.

However, let us face the situation. I do not believe that further delay and hesitation would be the path of wisdom, since I believe that if we were to delay here a still further element of uncertainty would be introduced into an already

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intolerably uncertain position. If we hesitate to pass this Bill we might even at this eleventh hour give the impression that we could be constrained into holding the fort and assuming responsibilities which conflict with the principles which I enunciated at the outset of my remarks and with those laid down by the right hon. Gentleman himself—principles which, I believe, have the support of British public opinion as a whole. Therefore, I consider that we should adhere to the decision to withdraw and should pass this Bill.

I now come to the extraordinary statement of the right hon. Gentleman that if we do pass this Bill we may find a position arising on or after 15th May in which the United Nations Commission has not arrived in the country to take over the responsibility and be the successor authority. That is an extremely puzzling situation, and I want to ask the right hon. Gentleman straightaway why he has not included in the Bill the date of 15th May. Would he be ready—and may we have a reply to this?—to accept an Amendment, for example, on the Committee stage that the date be included in the Bill? Is the omission of the date due to the fact that the right hon. Gentleman considers that there will be further delay? Difficult as the situation may be, further delay would, in our view, be disastrous. It would mean further sliding, further lack of decision, further uncertainty and probably further trouble for the unfortunate people on both sides in Palestine. Therefore, I consider that the right hon. Gentleman should have put the date in the Bill, and I trust that from the Government side we can have an assurance before the Debate ends that the omission of the date does not imply any sinister motive of delay on the part of the Government.

I said that despite the extraordinary uncertainty, we must pass this Bill, and we must at the same time press the United Nations authorities to come to realist decisions. This leads me to discuss the present position as it affects Britain and as it affects the general interests of Palestine, and especially the particular interests to which I wish to refer—our troops, our Civil Service and police, our assets, and so forth. Some points appear to be clear in regard to the position of Britain. For example, nothing that the right hon. Gentleman has said today goes

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[Mr. Butler.]

back on what was said at Lake Success on 24th February, that British public opinion—and these are the right hon. Gentleman's own words—

"... will permit no more expenditure of life and treasure. It will acquiesce no longer in the use of British forces and British lives to impose a Palestine policy which one or other of the parties is determined to resist."

It would, therefore, appear, in so far as we can ascertain it in the welter of uncertainty, that the position of Britain as a country acting by itself is certain. But what is Britain's position as a member of the United Nations? Any information which can come our way will be welcomed in this situation, because we do not get very full reports from the other side of the water. It seems clear that at present Britain, as a member of the United Nations, is keeping apart from the discussions on Palestine but, so far as we can ascertain from today's "Times," she is giving the full facts of the situation to the United Nations and the Commission, including, we hope, the fact that whatever may be the outcome, some sort of authority or force will be necessary, except in the miracle of an agreement being reached between the two sides in Palestine.

The question has been raised whether the United Nations is entitled to have a force available to impose partition or any other solution. I understand from the telegram today from America that the Secretary-General has offered the Council legal opinion that it has authority to enforce the partition scheme and to send troops to Palestine even if a threat to peace has not been established. It would be a case of providing an international police force for the maintenance of law and order in the territory for which the international society is still responsible. Certain analogies are drawn in that telegram from the situation in Trieste. If that be the case, that is a clarification of the situation. I believe that the right hon. Gentleman broadly confirmed that in his remarks, and the right hon. Gentleman who is to reply can probably confirm it himself.

Mr. Creech Jones: I would not seek to confirm it. The view which the right hon. Gentleman has read is the legal opinion of the Secretary-General of the United Nations, but I think it was perfectly clear in the meetings of the Security Council that that legal view is not shared by the

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majority of its members. Certainly the United States takes quite a different view of the powers of the Security Council for dealing with the implementation of a policy which has been determined by the Assembly.

Mr. Butler: Does that mean, in fact, that it is unlikely that any force or strength of any sort will be available either to help put into effect this plan or, in the possibility or probability of this plan not going through, to try to keep the balance in the country and prevent the sort of events occurring which have occurred on a vastly larger scale in India for precisely the reason that there was no force available to prevent such events occurring?

Mr. S. Silverman: The right hon. Gentleman has touched upon what we all recognise to be a vastly important matter, and that is my excuse for interrupting. I wonder whether there has been any indication of what is the view of His Majesty's Government on that legal point? Cannot we be told that?

Mr. Butler: That is precisely the reason that I asked the right hon. Gentleman the question, and he has sheltered himself by saying that he cannot tell me more than what is the legal opinion of the Secretary-General of the United Nations.

Mr. S. Silverman: Surely, the Government can say what is their legal opinion.

Mr. Butler: I should like to press the Government to tell us, either now or later when the right hon. Gentleman replies, what is their opinion on this matter. If we are to have the uncertainty of the right hon. Gentleman's remarks that he is not sure even if the Commission is going to reach Palestine on 15th or 16th May, and then we are to have uncertainty in the minds of the Government as to what is the legal position about the possibility of having any strength there at all to keep the peace—quite apart from the question of enforcing this plan or that, which I do not want to stress because I do not want to make things any more difficult than they are—it seems to me that the House is being put in an intolerable position by the Government in the course of this Debate.

The right hon. Gentleman then touched on the wider issue of what would happen if the situation in Palestine was declared to be a threat to international peace under

the Charter, and he said that that matter had not yet been considered. I wrote down his words. This really is not quite so urgent a question as the one with which I have just been dealing, because if we ignore the first question, let me assure the House that we are going to get a threat not only to the peace of Palestine but to international peace as well, and so the second question, one of international law, will rapidly become academic.

In this connection, if the right hon. Gentleman is replying as I believe he is, it would be interesting for us to know whether the statement of the Secretary of State for Foreign Affairs on 12th December, in replying to the hon. Member for Luton (Mr. Warbey), represents the final view of the Government. The Secretary of State for Foreign Affairs said:

"When the scheme is finally worked out of what this United Nations force is to be, what its command is to be, and what its obligations are to be, not only in Palestine but as part of the international set-up, then we will take our corner, but to put British Forces under another command in this way in an isolated instance is a thing we are not prepared to do."—[OFFICIAL REPORT, 12 December, 1947; Vol. 445, c 1396-7.]

There are certain ambiguities in that statement and we should be very grateful if they could be cleared up during this Debate. We want to know what Great Britain would do in the event of this question being regarded as a threat to international peace, not as an isolated country, because I believe that is clear from the Government's statements, but in regard to its position as a member of the United Nations.

Let me come to certain specific questions. The right hon. Gentleman referred to the Holy Places. There is a great deal of anxiety about this time-lag, to which he referred, between 15th May and 1st October. We have already, if I may say so, not been impressed by his speech in regard to the interim arrangements he is making for a sort of minor administration to be set up in Palestine during the interim period. It is all very well improving local government, drafting police in, having extra police in Arab villages, but I do not believe such plans will be sufficient to guarantee security, however honourably conceived they might be and however conscientiously the right hon. Gentleman might have worked them out, and this is particularly the case in regard to the Holy Places. We are told there is

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to be recruited a non-Arab and non-Jewish police force, and I would like to ask the Government how far they have got in their recruiting, whether the force is going to be an effective one between the dates of 15th May and 1st October, and whether in fact any progress has been made with the recruitment of that force. Perhaps the right hon. Gentleman may deal with that.

Mr. Creech Jones: There must be some misunderstanding here. After 15th May we have no civil responsibility at all in Palestine or Jerusalem. Under the terms of the resolution, the United Nations Commission takes up authority. It is for them to make suitable provision in regard to security after 15th May. We have repeatedly warned the United Nations over quite a long period that after 15th May the problem will be theirs. What we have sought to do for Palestine as a whole is to create conditions which can assist the peace and make for security when we go, and the United Nations Commission will be able, if necessary, to take over these local councils and forces in order to help to maintain peace.

In the case of the Jerusalem force, that will be a special force recruited by the Governor. That is why we have urged that the Governor of Jerusalem should be appointed immediately and that he should proceed with the recruiting of his security force for the Holy Places. We have also told the United Nations Commission—as it will be their responsibility once the Governor is appointed and until 1st October—that there are available in Palestine non-Palestinians who are prepared to enter a security force for the Holy Places. We cannot do more; it is not our responsibility. We are urging the Trusteeship Council to get this appointment made and this force recruited.

Mr. Butler: The right hon. Gentleman has done himself justice in making clear that this is the responsibility of the United Nations, a fact which I was going to mention but which is much better made by the right hon. Gentleman himself. That we accept, and it is quite legitimate, and I am glad the right hon. Gentleman has had an opportunity of making it clear. What has shattered our confidence is the remark in his speech when he said that the Commission might not arrive by the date of 15th May. The Holy Places mean

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[Mr. Butler.] a great deal to a great many people in this country, on all sides of the House, in all parts of the country, and of all opinions. In the absence of the arrival of the new authority, I do not know how we can have confidence that there can be any security for the Holy Places, and I must press the Government to give us a much more convincing answer on that point, otherwise they will shatter the confidence in the breasts and hearts of many people in this country.

Squadron-Leader Fleming: Would my right hon. Friend put the question which the Government refused to answer some time ago? If the United Nations Commission is not functioning on 15th May, who will have the authority to set up these different local authorities of which he spoke? Nobody at all.

Mr. Butler: That is precisely what I put to the right hon. Gentleman, and I am grateful to my hon. Friend for dotting the i's and crossing the t's. It seems to me that this statement in the speech of the right hon. Gentleman has introduced a new situation. I consider that during the remainder of this Debate we must attempt to have a further clarification from the Government on this matter; otherwise confidence will be shattered in the plan of the Government in bringing forward this Bill. I hope we shall get a much more convincing answer than we have had hitherto, and if this were not such a tragic and difficult subject, I should take up a more uncompromising stand on this question.

Consideration of the future of the Holy Places leads me to ask what is to be the position of the British troops. On 11th December the right hon. Gentleman, the Secretary of State for the Colonies, said that:

"Once the Mandate has been terminated, our troops remaining in Palestine will be responsible only for maintaining order in those areas in which they are still in occupation, with the limited object of ensuring that their final withdrawal is not impeded, and that it should be completed in the shortest possible time."—[OFFICIAL REPORT, 11th December, 1947, Vol. 445, C. 1212-3.]

He said today that the only measures the troops will take will be to ensure their safe withdrawal. I simply want to ask him, or the Government, when the reply is made, what is the meaning of the phrase

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"for maintaining order in those areas in which they are still in occupation"

because once they start maintaining order, I do not believe they will be able to stop, and I believe there will be ambiguity. I do not believe the right hon. Gentleman intends that there shall be ambiguity, but it is the duty of the Opposition on an important matter like this to attempt to extract from the Government what exactly will be the position of our troops. Is the position as stated, in the limited way, or is it as more broadly stated by the right hon. Gentleman on 11th December? I should like to ask the Government whether they will be able to give us further information about details of the plan of withdrawal or whether they are still governed by security considerations to which reference was made in the Debate on 11th December. May I take it, before I leave this question of the British troops, that in fact they will take no part in the quelling of civil strife?

I want to ask whether a diplomatic representative is to be appointed after 15th May by this country. Are we to have, as in the case of other countries where we have passed a Bill similar to this, a representative of His Majesty's Government, as we have, for example, in Burma? If so, what arrangements are to be made under him for the protection of British lives and property? The Secretary of State did not make very convincing remarks about this matter. He said that in some cases we should possibly get no protection at all. I should like to ask him what will be the position, for example, of certain concessions which have been granted by the Palestine Government. What will be the position of British citizens, and of their lives and property?

I should like to pay my tribute to the work of the civil servants in Palestine. They have not operated in Palestine upon quite the same scale as they operated in India and, therefore, to a certain extent their position is easier in that they form part of a Colonial service and can be transferred. They have been through a most anxious and gruelling time. I am glad to see that the Bill contains provisions to readjust the position relating to superannuation. I should like to obtain from the Government, if possible, an estimate of the total amount involved.

This is the least we can do to help the civil servants in their present difficulties.

While I am dealing with the civil servants and the police, I would say that we understand that they are to receive generous compensation. According to the terms published on 1st March we consider, without having had detailed knowledge in order to be certain, that the terms are adequate. I should like to ask whether it is proposed, in the case of the police especially, and perhaps in the case also of any members of the Civil Service, to set up the sort of employment bureau which we established in relation to India and Burma with a view to finding them jobs, and, I hope, with similar success to that which has taken place in the case of India and Burma.

With regard to troops and police, we on this side of the House would like to pay our tribute. Many countries in the world, when they look back upon the history of this matter, will regret the passing of British troops and police, who have a particular characteristic of kindness combined with firmness which has won them many a meed of praise and laurels. We express our detestation of the outrages, from whichever quarter they have come, and we appeal to people of influence inside and outside Palestine to bring their influence to bear upon this terrible canker of terrorism. I know that when I had to deal with this matter that was the one fear I had. I am sure it is the one fear and anxiety of the right hon. Gentleman.

Those remarks bring me to the last point of detail on which I want to dwell, the question of finance. According to the Financial Memorandum, the obligations of the Palestine Government are to be discharged from funds in their possession. We should like to have a fuller statement about the financial position as it affects that country. Can its obligations be discharged in full? If not, who will be responsible for payment? We shall have substantial demands to make ourselves, for example, for the maintenance of Jewish immigrants in Cyprus, which will be a considerable charge. We should like to know about the loan position. What is the extent of the outstanding Palestine loan? Will the Treasury still have responsibility for this guarantee, if we surrender the Mandate? I understand that the main loan in question today, to

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which the right hon. Gentleman referred, is that which was issued in 1942, with interest guaranteed by the Treasury under the Palestine Loan Act.

I have come to the end of the many questions which I thought it right to put to the Government on behalf of the Opposition, in connection with this vital and important Bill. We are all most anxious about the situation. In spite of the uncertainty, one definite service which we can perform is to be certain about our going. We regret that this step has been delayed so long and the consequent horrors that have taken place. One has always hoped that by widening and broadening the issues, whether by a federal solution in the Middle East itself or by bringing this question into the arena of the great nations, we should make a solution possible. Certainly not by narrowing the problem will it be solved.

We therefore support the Second Reading of the Bill, with heavy hearts and in the knowledge that no other course would be wise at the present time. We think it right to ask the Government to make rather clearer than they have done today certain alarming statements which were made by the Secretary of State. We feel that there must be the least possible suffering upon our departure. We do not want a realisation of the words contained in the 23rd Chapter of St. Matthew:

"Behold, your house is left unto you desolate."

That would indeed be a tragedy.

5.6 p.m.

Sir Richard Acland (Gravesend): In 12 years I have spoken a good many times both in this Chamber and in that which is now being rebuilt; and however differently I may have spoken, and however gloomy and menacing may have seemed the situation, to which I was addressing myself, I always personally enjoyed speaking until today. I have never spoken with so much personal unhappiness as I feel on this occasion. It is not a happy thing to have to speak against the policy of this Government. I do not think there is another item of policy on which I would speak against them, but Members of this party have always been allowed to express their views and to put Motions upon the Paper and to vote on issues of conscience. For me, this is one of those issues.

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[Sir R. Acland.]

The Colonial Secretary knows what I mean when I say that I have listened to his explanations today, and at other times and at other places in recent weeks, with the same feeling of sick frustration which I remember experiencing when I listened to the explanations given by Foreign Secretaries and by Under-Secretaries of State for Foreign Affairs in Conservative Administrations, as they steadily explained the retreat from the fair and favourable international position from 1931 to the disaster of 1939. I remember the Manchurian situation. Some people say that the present situation is not comparable with it, because the Manchurian situation was a case of simple invasion. I would remind the House of the facts. I will quote from a speech made in 1933 by Lord Simon, when he was reading from the Lytton Report these words:

"It must be apparent . . . that the issues involved . . . are not as simple as they are often represented to be. They are on the contrary exceedingly complicated. . . . This is not . . . a simple case of violation of a frontier of one country by the armed forces of a neighbouring country, because in Manchuria there are many features without an exact parallel in other parts of the world."

I hope hon. Members will not try to deny the association between the present case and the Manchurian case merely on the ground that the Manchurian case was very simple and this is complicated. Manchuria was also complicated. I remember hearing, or rather reading, a sentence by the Foreign Secretary in that same Debate, when he said:

"I think that I am myself enough of a pacifist to take this view, that, however we handle this matter, I do not intend my own country to get into trouble about it."—[OFFICIAL REPORT, 27th February, 1933; Vol. 275, c. 51 and 58.]

That was a sentence which informed the world that Japan could do just exactly what she liked and that we would not take any step to uphold the authority of international law and order.

Then came the Abyssinian affair. I remember a statement from the same right hon. Gentleman, when he said that he would not risk a single British ship even in a successful naval action to defend Abyssinian independence. That was a sentence in which we declared to the world that, so far as Abyssinia was concerned, nothing was going to be done to uphold the authority of international law and order.

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Then, on this issue, I remember when the Anglo-American Commission made its report nearly two years ago. It included amongst other proposals one that 100,000 Jewish immigrants should go into Palestine in quite a short period. I remember the Foreign Secretary—not in this place but at the conference of this party at Bournemouth—said that the arrival of 100,000 Jewish immigrants would require an additional division of British troops, and that he was not prepared to send it. That, I think, was the sentence in which he announced to the world that if ever anything was proposed which the Arabs did not like they would need only to threaten to meet it with violence and it would not happen.

There is something to be said for that as a policy. I would not agree with it, but it is a policy to say we shall never oppose anything which the Arabs want, and never insist on anything which they dislike. That is a policy, and one or two Members of this House have pursued that policy consistently. But it is not a policy which this party as a party or this Government as a Government can sustain. It is not tolerable to this Government to give as a reason for not taking certain action that if they take that action the Arabs will cause trouble; because this party, and almost every Member of the Front Bench now, is pledged to a policy which it has always known that the Arabs would dislike a great deal more than they dislike the policy of partition from which we are now running away.

Finally—if I may conclude this sad record of sentences to which I have listened—on 12th December the hon. Member for Luton (Mr. Warbey) interrupted the Foreign Secretary, who gave way to him, so that he could ask, in the middle of the Foreign Secretary's speech:

"Do I understand . . . that if the Security Council were to decide that collective enforcement action was necessary in respect of Palestine, this country would not take its share as one of the members of the United Nations?"

And the Foreign Secretary replied:

"That is what the hon. Member must understand."—[OFFICIAL REPORT, 12th December, 1947; Vol. 445, c. 1396.]

It seems to me that in that sentence we announced to the world that so far as this country was going to be concerned we were not even going to take our part in upholding the authority of international law on this issue, that we were not going

to do anything to prevent a solution from being imposed by force and by violence.

That is all I want to say. I am afraid I may have exceeded the time I promised to take. One separate point. I wonder why the whole House seems to take it for granted that the Arabs are going to win when it comes to violence? If the great world Powers do not intervene on one side or the other, and if this business has to be settled by violence, I offer the prediction that it may take quite a long time, but that in the end the Jews will gain the upper hand because the Jews are much better at organising themselves, much better disciplinarians and more persistent. I think that in the end it will not be the Arabs who get their own way. I merely offer that prediction. We shall see how it turns out.

5.15 p.m.

Mr. Pickthorn (Cambridge University): We shall see how it turns out. I do not think that in endeavouring to foresee it we need pay very much attention to the strategical prognostications which we have just had. If the hon. Member for Gravesend (Sir R. Acland) had had a very little foresight, he would have been able to foresee the last of those sentences which he has just read so damnatorily; all the previous ones he had already heard or read before he permitted himself to stand at Gravesend in support of the party opposite and of the policy of the right hon. Gentleman the Colonial Secretary. He does not seem to be awfully good at strategical foresight, and I do not think we need pay very much attention to that part of his remarks.

I think this is a very terrible occasion; one of the most terrible occasions that has occurred in the 13 or 14 years during which I have sat in this House. If the House will forgive me a moment of prefatory egotism, I would observe that I have spoken in every Debate—or my friends have—about Palestine during these years: I think it not unfair to say that we have not said, and that I, particularly, have not said, anything sharp or anything at all avoidable that was by way of criticism of His Majesty's Government in their external aspect; and I do not think we can be accused, or that I can be accused, of having said many words likely to exacerbate feelings in this matter.

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I can no longer be sure that such moderation of language ought even to be attempted. Because we are now confronted with a situation which is due, not wholly to right hon. Gentlemen opposite, but which, as it now stands, is very largely indeed due to right hon. Gentlemen opposite, both since they have been in office—and they have had the powers and pleasures and perquisites of office for two and a half years now—and also, as the hon. Member for Gravesend has reminded us, for a long time before they were in office. They then did everything that men not in office could do to prepare the situation with which we are now confronted. And the situation with which we are now confronted is such that nothing can be done that will not be wrong; the most that can be hoped is that it may, perhaps—looked at afterwards—turn out to have been a little less wrong than, possibly, something else would have been.

That is the situation in which we are now landed, and in that situation we have brought before us this Bill at very short notice. It is a short Bill. The Lord President of the Council is a little apt to say, when complaints are made that the House has not had full opportunity to study and discuss a Bill, "This is a very little Bill." The difficulty of understanding a Bill does not depend on the number of pages which it covers. This Bill is one which it is extremely difficult to understand. I am glad to see that the Attorney-General is here, and I hope he intends to expound to us the probable legal effects of it later. I once myself had a very little amateur learning in this matter of indemnities and immunities. It is an extremely difficult part of law or history to understand anything much about. We have not had time to study the Bill properly, to look up books, or to consult such more expert friends as we may have outside the House.

We are confronted with a Bill of which, I make bold to say, nobody in this House—unless, perchance, it is the Attorney-General—nobody in this House could reasonably expound the probable effects. Not one. I do not now propose to endeavour to give the answers to all the legal questions that might be raised. I do not even propose to take the trouble to indicate very accurately and fully the questions which I think ought to be put; but I hope the House will bear with me

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[Mr. Pickthorn.]
if, for three or four minutes, I try to indicate some of the questions the omission of which on Second Reading in this House may seem to some of us, to use the words of the hon. Member for Gravesend, "sickeningly frustrating." The termination of His Majesty's jurisdiction is itself not so simple as it might appear. Is His Majesty entitled to terminate his jurisdiction unilaterally?

The Attorney-General (Sir Hartley Shawcross) indicated assent.

Mr. Pickthorn: Is the Attorney-General certain in law and morals? What is the effect of that on the jurisdiction that then comes in? Not the United Nations. Obviously, the United Nations are not the successors in title to the League of Nations. Nor did we get all the authority we had in Palestine from the League of Nations for exercising power, because the Mandate when it came was largely bogus, and we exercised power in Palestine for years before there was a Mandate. At least it is not obviously ridiculous to suggest that possibly if the Mandate can be brought to an end by one party—as certainly trustees could not do in private life—

Mr. S. Silverman: Might I interrupt the hon. Member? I am not sure whether I heard him correctly. Did he say that the Mandate was very largely bogus? If so, are we then to understand that when his party was in power during all those years their performance of their obligations under it was also bogus?

Mr. Pickthorn: I do not propose to explain what my party has or has not done about this. I have explained my views about it on every relevant occasion in this House. My views have never been exactly dictated by the leaders of my party, and the hon. Member could have heard them if he thought them worth listening to, and if not he will find them if he looks at HANSARD.

Mr. Silverman: I have never heard the hon. Member say it was bogus.

Mr. Pickthorn: He will find that too in HANSARD if he looks it up.

If you and I, Mr. Deputy-Speaker, were trustees for the Colonial Secretary's daughter we could not just announce that we were not going to have any more

duties or obligations after 15th May. If the Attorney-General is quite sure that it is perfectly plain that this hitherto unprecedented act is wholly legitimate and has effects which he understands, is he perfectly sure that there is not something to be said for the view that that re-raises the legal situation as it was before the Mandate, when we were in Palestine as the occupying Power, by the same title by which we are in Germany now? I am not endeavouring to argue about it. Then—

"prohibits the bringing of any action in respect of acts done in good faith and in the course of duty."

That is not from the Bill but from the Explanatory Memorandum; but it is slightly simpler language I think. What possibilities, if any, of subsequent legal law suits, civil or criminal, does that leave? Upon the face of it, laymen in the House might suppose that it leaves none. But I do not think that can be quite the right answer. Whatever be the right answer, I am quite sure that this House ought to know it.

When this Bill receives the Royal Assent, if it does, what is then the status at international law of Palestinians, of those who till recently, for almost all foreign intents and purposes, were British subjects? Is it not a horrible thing that His Majesty's Principal Secretary of State should have brought this Bill before us and made a Second Reading speech about, I will not say the abandonment, but the relinquishment of two millions of His Majesty's subjects without a word to try to explain to us the subsequent international rights and status of what had been His Majesty's subjects? As the Attorney-General did not appear to hear what I said, my words were: without a word to try to explain to us the relinquishment of these His Majesty's subjects, without a word of explanation to show what is to be then their international status. We ought to know. It is quite ridiculous that this House should discuss the Second Reading of this Bill without knowing that; and it is quite contemptible that one of His Majesty's Principal Secretaries of State should have thought it possible for the House to discuss the Bill without knowing that.

We were told just now that the appeals before the Privy Council will be finished by—was it 1st August or 15th May?

Mr. Creech Jones: By 15th May.

Mr. Pickthorn: The reason why they cannot go on, the reason why this Bill ends recourse to the Privy Council, is because the Privy Council—as its name implies—is not, in form, a court of law; it advises His Majesty, who then takes executive action. Since His Majesty has announced that he is not going to take any further executive action within these territories, Privy Council jurisdiction would no longer be relevant. The Attorney-General will correct me if I am wrong; I think I am putting it fairly, if in non-legal language. Very well then. When the Secretary of State tells us that these suits before the Privy Council will be completed by 15th May, does he mean that by 15th May His Majesty will have given—to all intents and purposes and effects, as much as he would have done a year ago—the executive orders upon advice tendered by the Judicial Committee. Is that what he means? If not, his explanation of the date to which Privy Council jurisdiction will go on was extremely misleading. There are many more similar questions which I could ask. I hope I have asked enough to indicate the sort of questions which an admittedly very cursory reading of this Bill raises in at least one layman's mind.

Now I want to indicate why I think these questions important. First of all, it is the most absurd devaluing of democratic or Parliamentary procedure that we should discuss a Bill of immense and incalculable consequences without having had these things explained to us. I shall not be a bit abashed if I am told that all my questions are unnecessary, or that all the answers I may have appeared to indicate are wrong. That will strengthen my argument. My argument is that, just as any kind of economic planning becomes more and more nonsense as the currency gets less and less current, so similarly any kind of Parliamentary Government becomes more and more a contemptible parody as the House is increasingly asked to give decisions on the greatest matters when it is well known that there cannot be 50, 20, perhaps not even 5 per cent. of the House understanding what it is to which they are giving assent.

Mr. Crossman (Coventry, East): Oh!

Mr. Pickthorn: If the hon. Member who seems to be amused can explain the Bill

clearly, and its probable legal effects, I shall be the first to congratulate him.

Mr. Paget (Northampton): If the hon. Member was referring to me—

Mr. Pickthorn: No, I was not; I should not.

The second reason why questions of this sort appear to me important is that we are going an awfully long way, not only to devalue Parliamentary procedure and democracy below the point of parody, but also to devalue the United Nations below the point of parody. There came a moment when it was said that the League of Nations was midsummer madness. That may have been the wrong way to put it; perhaps it should have been said sooner, or perhaps not till later, or perhaps in different language, or perhaps not from the lips from which it fell. But it is perfectly plain that any kind of organisation purporting to direct the use of physical compulsion, especially in international matters, must at some point, of either ineffectiveness or disrespectability, be disallowed, be written off. It is true that there has always got to be a certain amount of wishful thinking in the early management of any international concern. We have to pretend, for instance, that the League of Nations has really gone a little further than it has all the time, until, we hope, the point when it is a reality—rather like teaching a child to swim or to ride a bicycle; but if the pretence is excessive one never does teach the child to swim: it is drowned first.

What point have we reached about the United Nations now? What is that point after the Colonial Secretary's telling us about the extreme partiality with which these things have been done? At the time of the last Debate we had on Palestine, I ventured to suggest that there had been some "log-rolling" and horse-coping, and that really the United Nations results were not such as it was possible for anyone accustomed to decent methods of government by discussion to treat with respect. At that time such a view was rather howled down. But now the Colonial Secretary has been saying very much the same thing. I can give hon. Members a list of American papers in which the whole thing is written off as—if the hon. Member for Nelson and Colne (Mr. S. Silverman) will forgive me—almost wholly

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[Mr. Pickthorn.]
bogus. How far are we making this more bogus than ever, when we are doing what we are doing now, assuming as an authority to be handed over to something about which we do not hide our sense of its ineffectiveness?

Do not think that I can be scored off by being asked: "What would you do better?" I am not in a position where I can possibly say that I would do better. I am in a position where I am entitled to try to show what the faults are, especially when I remember the right hon. Gentleman's almost joyousness or relief, at least, on the last occasion, although I do not think he is so nearly joyful, so relieved, now. If Imperialism means an external power acting in accordance with its own political and strategic fears or hopes—and that is what the right hon. Gentleman has attributed this decision to, both here and in America—in disregard of the evil effects which may happen to the natives of the country concerned, then the Imperialism that came from strength was nothing in effect of human misery compared to the Imperialism which we are now seeing here coming from weakness.

The next question I should like to ask is about the date. I am inclined to think that the dates now fixed must be accepted and adhered to. But I ask right hon. and hon. Members opposite to consider this: that we should not have been tied by any logic to sticking to these dates today because we agreed to them in December, or upon an earlier occasion, not tied because the whole argument then was for handing over to something. What is there to be handed over to now? Suppose that all the United Nations supply forces, what forces will they be, and to do what? Who supposes that this is going to lead to anything that can be ordered government in Palestine?

On each of the last two or three occasions when we discussed this, I asked the right hon. Gentleman to put beyond any question the cleanness of our hands in having done everything possible to remove the argument that Zionist immigration into Palestine must be allowed on humanitarian grounds, of sympathy for the unfortunate Jews from Europe. Over and again we have begged for that, and I particularly have asked for it. More than once we have had some kind of assurance

from the Treasury Bench. If the United Nations were united about anything, could they not have been united in offering asylum? And so that argument could be taken away, these two questions, which should never have been tied up together, could thus be clean separated. The first question, which is the Zionist question, is whether it is or is not right for Britain, or the United Nations, to exercise military force to compel a long-settled society to permit immigration without having any control of its quantity and quality. The other question is what ought to be done as a matter of human pity for such Jews as are miserable and homeless in and around Europe. Let us get and keep these two questions apart. Which nations have promised that they will take x thousands for the next y years? And if none of the nations have made such promises, have they refused requests from the right hon. Gentleman that such promises should be given? And if so, why is it that there have been no such promises?

What is the responsibility of the United States? What is supposed or known by His Majesty's Government to be the next intention of the United States Government about this? I will not say that the United Nations has become midsummer madness. I desire as long as it is kept alive all the optimism in the world with which one can reasonably and decently persuade oneself that it is alive, in the hope that one day it may become really effective. But that it is wholly ineffective in this business, is quite plain. Incidentally to that—one small point to which, perhaps, we may have an answer: the chairman of this Commission of five is a Czech. What sort of Czech? Is he still in good standing with his union, so to speak, or is he on the way out?

I do not think that anyone can honestly maintain any longer there is any hope that anything humanly effective is going to be done in Palestine by the United Nations in this matter. If there is, someone on the Treasury Bench should quite clearly demonstrate it, and if there is not, that should quite clearly be put on record from the Treasury Bench. On either of these two hypotheses we should be told what the Government think and hope from the United States; whether they hope for co-operation from the United States inside the United Nations, or whether they hope for co-operation

from the United States outside the United Nations. These are the things which we ought to be told clearly. None of us should be reproached if we say that this Bill is a horrible and terrible Bill, or if we say that we will not take the responsibility of opposing it, neither do we wish to take responsibility of voting for it; or if we say that the descent of events which has led to this Bill have scrawled and plotted the most lamentable page in the Imperial history of this country.

5.38 p.m.

Mr. John McKay (Wallsend): I believe that we are all democrats in this House, and that we wish to do what the British people want done. There is no doubt that one of the things the British people want done is for us to get our people out of Palestine. I do not want to go into all the details of the arguments on both sides. Sometimes these arguments have been good, and sometimes they have been bad and indifferent. What I am concerned about are the arguments used by our own people. We in this House want to guard the reputation of our people. We, who represent an elected body, want to indicate to our people that there is some real unity in our Government. Because of the criticisms which have been made by hon. Members who support the Government, I want particularly to indicate my attitude towards this question. When we preach British democracy to our own Government as a national body, and when we begin to preach democracy internationally, or, in other words, ask people to work together as a body and accept a majority decision, we have to be consistent.

Criticism is being levelled at the Government that they have not been prepared to co-operate in carrying out the decision which has been made by the United Nations Assembly. If an international body, recognised as a body to deal with such matters, takes upon itself responsibility for a decision, the question arises not so much as to whether one unit of that body has been enthusiastically loyal and co-operative, but what the international body itself has done? What is the attitude of that international body to the decision which has been made by itself? If we want to criticise are we doing the right thing by concentrating that criticism on one unit—

Mr. Janner (Leicester, West): Would my hon. Friend allow me?

Mr. McKay: No, I wish to continue with my speech. The first essential of any international body is, surely, that it can command respect, that its history is such that it has a reputation for implementing its decisions. If we have not got that spirit within the international body we cannot expect much enthusiasm from the various units which go to make up that body. Apart from all that, when an international body makes a decision on a matter of vital importance, the criticism against that decision should be levelled not at this Government, which is only one unit in a mixed crowd, but at the body which has made that decision. If that is done we shall get nearer to the root of the actual problem.

Most people know that the problem is the weakness within the international body itself—antagonism and lack of co-operation—which was expected to bring peace to the world. Because of the suspicion and lack of enthusiasm the criticism must be levelled at that source. The organisation which we look to to prepare the way for implementing its own decision is the international body itself. While the Government have been attempting to prepare for the ultimate implementation of the international body's decision, they have been faced with an obstacle. The great question in the world today in connection with Palestine is not whether the Government will solve this problem, but whether the United Nations organisation will solve it?

Having passed a resolution, what was then required in addition? Hard work and enthusiasm within the international body itself in preparing the way for the implementation of that decision. Until there is implementation of that decision by a force which can keep apart the two opposing sides—Jews and Arabs—there is bound to be conflict. Knowing that we would be withdrawing from Palestine, and that a conflict between Arabs and Jews was inevitable, it was the duty of the international organisation to prepare the instrument of power so that its own decision could be implemented. They have not done it. Such a force does not exist. Is there any indication that one will be forthcoming? After hearing all the critics and the points of view of our own

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[Mr. McKay.]

people, I am satisfied that the Government have done all they can. The great weakness is not within this Government; it is to be found elsewhere, and that is the place to which criticism should be directed.

5.50 p.m.

Mr. Hopkin Morris (Carmarthen): This is not an occasion to review the history of Palestine, and little can be said in regard to future developments. Perhaps the less said about that the better. The Bill, itself limited in scope, is really a sad Bill in the history of this country. We entered Palestine nearly 30 years ago as the mandatory Power with high hopes. We found it had a population of 750,000 and was a backward Ottoman province. There were no highways, and it was riddled with disease, but, despite all the difficulties, and the great obstacles, in the last 30 years the population has increased from 750,000 to something like two million. Today Palestine has the necessary equipment for a modern civilised State.

That is a great achievement, a magnificent achievement by this country, made in the space of 30 years, and one of which we might well be proud. It must be a matter of great regret for every Member of this House that at the end of that 30 years, with all that work to our credit, we are faced with this Bill, and that the best offer we can make in the terms of the Bill is to withdraw from Palestine. It is a great tragedy, not only to Palestine, but to the world, that this withdrawal has to take place. The party opposite cannot escape responsibility for what has made this withdrawal necessary. They cannot forget that they fought the last General Election with wholesale pledges to Jewry, and Jewry has legitimate claims to make about those pledges. It was a great misfortune that they were made, and today they have returned and recoiled on the heads of the Government Front Bench.

If there were any chance of a settlement in Palestine, there would be no demand for this Bill, but there is no likelihood of a settlement. Can anyone believe that the proposal put forward by the United Nations for partition is one which will secure peace, or provide a workable solution to which we can look forward when we have gone out? What is to be the end? No one knows. Perhaps it is

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idle to speculate at the moment, and perhaps also the less we speculate in this House the better. One thing is clear—that, failing an agreement between the Jews and the Arabs, there was only one thing for us to do. That is to give up the Mandate to the United Nations. Because of that, but facing the tragedy, I reluctantly support the Measure.

5.54 p.m.

Mr. S. N. Evans (Wednesbury): The hon. and learned Member for Carmarthen (Mr. Hopkin Morris) is quite wrong about the Labour Party. The Labour Party never committed itself to a Jewish State. It committed itself to the idea of a Jewish National Home under restricted immigration. I cannot agree that something which was practicable 10 years ago is enforceable today.

Mr. Mikardo: In 1945.

Mr. Evans: I listened with great interest to what I felt was a very brilliant speech by the hon. Member for Cambridge University (Mr. Pickthorn). I thought it a superb Parliamentary performance. He referred to the Americans and to the fact that we would like to know what they are going to do. I was particularly intrigued at that because it has to be remembered that Palestine has been the football of American internal politics far too long. I am not prepared that the sons and husbands of my constituents should be the cannon fodder of an American presidential election. We have had too much of that.

There is concern, and we understand it, about the effect of the Government's attitude on U.N.O. prestige. U.N.O. prestige had taken a severe battering before this became a live issue. No organisation which has had its decisions unilaterally vetoed on 20 occasions can any longer pretend to be an effective political instrument. It has great and important tasks to perform in the economic field, but I do not think we serve either ourselves or history well by pretending that U.N.O. at this moment is an effective political instrument. This problem might well have been solved a long time ago, but for White House irresponsibility. There was every sign that an accommodation might be arrived at at the time when the White House threw the 100,000 for immediate entry into the arena.

I have considerable sympathy with the Foreign Secretary in the situation in which he now finds himself. I would like to know the nature of the force it is proposed to put into Palestine to enforce what I regard as quite unenforceable—partition. I believe partition is as dead as a door nail, but let us pretend for a moment that it is not, and that some force is to be applied to enforce it. I wish to know the nature of that force. We have had 100,000 men there for a long time, yet we have not succeeded in preventing serious loss of life and damage to property. I want to know the nature of the force it is proposed to send in. I have an uneasy feeling that some people would like to send a couple of platoons of Costa Rican light infantry and half a squadron of Dominican Dragoon Guards and believe that after that the baby would be ours.

I support the Government's decision to stay out of this, at any rate until there is some clarification, because, once we accept the principle that partition must be enforced, the United Nations will turn round and say, "You are the people on the spot, and therefore best fitted to enforce it. What are you going to do then?" I think the Government have been quite logical in this matter, and I am very pleased that they are going to stand firm. I think the hon. Member for East Coventry (Mr. Crossman) wants to interject.

Mr. Crossman rose—

Mr. Deputy-Speaker (Mr. Hubert Beaumont): I am not objecting to the hon. Member for East Coventry (Mr. Crossman) getting up, but I deprecate the hon. Member for Wednesbury (Mr. S. N. Evans) inviting hon. Members to get up.

Mr. Crossman: I should like to express my thanks to my hon. Friend for his chivalry, and the only reason why I interject is that "Stand firm" is a somewhat strange description of a total and absolute abdication.

Mr. Evans: I do not think that a decision arrived at many months ago can be described as abdication.

Mr. Kenneth Lindsay (Combined English Universities): It is abdication.

Mr. Evans: This is a considered decision which has the full backing of 95 per cent. of the British people.

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I would like to turn for a moment to the circumstances in which the Ad Hoc Committee of the United Nations Organisation arrived at this majority decision because it is interesting. Mr. Kermit Roosevelt describes it as follows:

"Exerting all possible political and economic pressure, the Zionists took the fight into their own hands. Six countries which had indicated their intention of voting against partition were the chosen targets. Haiti, Liberia, the Philippines, China, Ethiopia and Greece."

In the event all abstained. Commenting on what many would regard as a most discreditable episode, in addressing the American Council for Judaism, Mr. Carol Binder, an eminent American editor, said this:

"What right had the United States to use its economic and political power to compel weak but none the less sovereign States to act contrary to what they believed to be their national and the world's interests for the furtherance of the domestic political interests of the Truman Administration?"

The recent history of Palestine is not quite as clear-cut as some of my hon. Friends on these benches would have us believe and, if the opportunity presented itself now to take the decision again, I believe a very different decision would be arrived at. I was a little disturbed when the Minister spoke in somewhat ambiguous terms, which provoked an interjection from the right hon. Member for Saffron Walden (Mr. R. A. Butler) about what would happen if the United Nations Organisation had not created the instrument to take over at the time we were due out. Quite frankly, I do not think that is our business. We have made our position quite clear, and any sign of indecision now can only encourage people who still hope that we shall bear the burden of imposing partition. I hope, therefore, that there will be some clarification of that tonight. I do not think this is an occasion for long speeches. I think the Government have arrived at a courageous decision in a very unpleasant matter, and they are entitled to the support of all right thinking citizens.

6.5 p.m.

Sir Peter Macdonald (Isle of Wight): The hon. Member for Wednesbury (Mr. S. N. Evans) at the outset of his remarks told the House that the Labour Party at no time made a pledge that they would solve the Palestine problem—

Hon. Members: He did not say that.

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Mr. S. N. Evans: If the hon. Member will allow me to interrupt, I did not say that. I said the Labour Party had never at any time pledged itself to the idea of a Jewish State.

Sir P. Macdonald: All right, I will accept that, but I am quite convinced that he knows that at the last Election he and practically every Labour candidate said that the Labour Party had a policy for Palestine—[*Interruption.*] I accept that from hon. Members themselves who told us that on more than one occasion when they fought the last Election. They had a policy for Palestine. I had a Labour opponent myself who made great play with that issue, because he had served out there in some capacity during the war, and he convinced quite a lot of people that if the Socialist Party was returned to power, the Palestine problem would be solved.

Dr. Morgan (Rochdale): No.

Sir P. Macdonald: There is no question but that the right hon. Member for Bishop Auckland (Mr. Dalton) committed his party during the Election, and I myself have heard the Foreign Secretary say in this House that he staked his whole political reputation on solving the Palestine problem. This is two and a half years after their entry into Office, and the pledge they gave was that a solution would be found, and then they asked for unrestricted immigration into Palestine. It is hopeless to argue with people who, one day, will make a statement like that, and the next day will run away from it. I am waiting with interest to hear the quarrel within the party and the speeches of those who support the Amendments on the Paper. I am quite convinced that they are alive to the pledges given by their party.

I support this Bill inasmuch as it carries out the policy advocated by the Leader of the Opposition over two and a half years ago; that is, that unless we could get agreement between Arabs and Jews in Palestine, we should clear out. It has taken the Government two and a half years to make up their minds to carry out that policy. I hope that whatever may happen in the Councils of U.N.O., or elsewhere, this Government will not recede from that decision to clear out on 15th May. I can foresee a great deal of pressure being put on them within the next

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two months to remain there and hold the baby, but I sincerely hope that will not happen. Also I would like to know why the date has been left out of the Bill, because I thought there was no doubt about the date on which the Administration was to come to an end in Palestine, and as this Bill is to carry out that policy, I hope the date will be included during the Committee stage.

There is one aspect of this abdication—and that is all it is, whatever hon. Members opposite may say—this scuttle from Palestine—

Dr. Morgan: Why use the word "scuttle"?

Sir P. Macdonald: All right, abdication, if hon. Members prefer that. There is one aspect of it which disturbs me profoundly, and that is that after 15th May our troops will be left behind until August. Our troops have been in Palestine to support the Administration, and during the last two years they have had the most unpleasant task ever imposed on any troops in our history. To be in occupation trying to hold the balance between two warring parties, being shot at by both sides and with the knowledge that there is a weak Government at home without a policy behind them is a most impossible situation for any Army. I have some experience of being in an Army of occupation. Even though we had a military government behind us, it was not a pleasant position, and how much more will it be so in the case of our troops in Palestine after 15th May. It is proposed to leave these troops in Palestine after 15th May with nothing but a vacuum behind them, because there is nothing so far to take the place of the Palestine Government, as the right hon. Gentleman has just told us. They will have to hold the sidelines whilst civil war is going on inside the country.

We are told the reason why we cannot get out of Palestine sooner is because of the stores. I do not accept that story, because the Government now have had six months to get those stores out, and they will have another couple of months before the 15th May. I am convinced that if Field Marshal Montgomery made up his mind to get the troops and the stores out of Palestine before 1st August he would do so. He was able to move much larger forces during the war, and if

he wanted to move all the stores in Palestine he could easily do so long before the date in question. Every Member of this House who represents a constituency in which there are parents of sons who are serving in the Forces in Palestine feels very unhappy at the realisation that they will be left behind after our administration has gone, to be shot at from all sides with no Government to look after them or support them.

This is a very unhappy occasion in the history of this Parliament. We have had 25 years of administration in Palestine which certainly has been a credit to this country. We went in there with the highest possible hopes of creating a home for the Jewish people, and we did everything possible to carry out that pledge until this Government came in pledged to indiscriminate immigration and the situation got out of hand. Now we are in the unhappy position of having to abdicate our responsibilities. The United States, I am sorry to say, will not accept any military responsibility for Palestine at the present time. I am told that they are arguing behind closed doors with Russia as to what further steps are to be taken. I can tell the United States that if they are not prepared to send troops to Palestine, the other partner, Russia, will be there because she has already got a strong Fifth Column there. About a year ago when I was speaking on this subject in this House I pointed to a report of a Committee of which I was a member and which had visited Austria. That report told what we had found during the course of our investigation on the Estimates. I do not mind repeating now what I said then, because it was a thing that ought to be brought home to this House and to our American friends. In the displaced persons camps in Austria we found several thousands of young Jews on their way to Palestine.

Mr. Gallacher (Fife, West): Had they snow on their boots?

Sir P. Macdonald: They were young men and women of military age, and they were brought there from Russia.

Mr. Gallacher: Did they pass through Scotland?

Sir P. Macdonald: They came across the frontiers of Czechoslovakia and Yugoslavia, and they had D.P. passports and

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money and clothes provided. They were put into trains and taken to the American zone, where they were placed in these camps until they could be passed on to Palestine. The reason why these people happened to be in our zone in Austria was because they had so many in the American zone and the American general asked our authorities to relieve him of some for a few months. That is the type of so-called displaced persons who were en route to Palestine, and who are there now. They were all trained Communist soldiers, and certainly they were of military age. That is the Fifth Column waiting today for our departure from Palestine. They are well established and they are well trained and well equipped. It amazes me that the Government of the United States—

Mr. Gallacher: Why does not the hon. Gentleman join the Secret Service?

Sir P. Macdonald:—who have been so sensible to the dangers of Communism should have been so stupid as to overlook this fact, because it has been brought to their notice more than once. I am not going to attack the best friends we have at the present time, especially after the White Paper that was issued yesterday, and which shows how much we must depend on the Marshall Plan. The fact remains that that situation has been mentioned more than once in this House, and that blindly or for some other reason that we cannot understand the American Government, for some time with the connivance of the Russian Government, have been sending people into Palestine who are trained Communist troops.

Mr. Edelman (Coventry, West): Is the hon. Gentleman aware that a similar canard was circulated about the Jews in the Cyprus camps, and that Sir Godfrey Collins, the Commissioner for camps in Cyprus, denied that there were, in fact, Russian Communists amongst the Jews who were detained there?

Sir P. Macdonald: They probably would not admit they were Communists. They came from Russia, and they had all been serving with the Russian Army during the war. They were Polish Jews from Eastern Poland.

Mr. Edelman: Is the hon. Gentleman aware that a few moments ago he said they were Russian Jews? Now he says they are Jews from Eastern Poland.

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Sir P. Macdonald: I was telling the House how they happened to be there. [Interruption.] I know that hon. Members opposite do not like this a bit. These men were Polish Jews who came from Eastern Poland, and when the Russians occupied Eastern Poland these young men and women were sent back to Russia. They served in the Russian Army or they worked in the Russian zone. Since the war they have been taken out of the Army and have been sent to Austria en route to Palestine.

Mr. S. Silverman: I am sure the hon. Member for the Isle of Wight (Sir P. Macdonald) would not wish to deceive himself and certainly he will not deceive anybody else. Does he not know that almost all the Jews in the displaced persons camps came from Poland, and that that country was divided, one half being occupied by the Germans and one half by the Russians?

Mr. Kenneth Lindsay (Combined English Universities): I, too, have been to the camp in Austria, and I interviewed a very large proportion of the Jews in that camp. They are Poles who actually fought with Russia, but unless the hon. Gentleman for the Isle of Wight (Sir P. Macdonald) can give some good reason to show that they were also Communists he should not say so. We knew that some of them were driven out of Poland, but there was no proof so far as our investigations went that they were Communists.

Sir P. Macdonald: I do not know what were the investigations of the hon. Member for the Combined English Universities (Mr. K. Lindsay)—

Mr. S. Silverman: What were the hon. Member's?

Sir P. Macdonald: There is something sinister about this migration from Russia, which is as short of manpower today as she is, sending young men from her own country to Poland and across the frontiers of Yugoslavia and Czechoslovakia en route to Palestine. Why send them?

Mr. Paget: Does not the hon. Member know that most of them were refugees from Russia, because they did not like Russia?

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Sir P. Macdonald: I am just giving this as a warning, because there is no question about it as soon as we pull out of Palestine the Russian Fifth Column is going to take over. I am not enthusiastic about the Bill, but it is one which we must support. I look upon the Amendments as the expression of a family squabble, and I hope that we on this side will take no part in it. It is a squabble between certain sections of the Labour Party, and they must fight it out among themselves.

6.20 p.m.

Mr. Benn Levy (Eton and Slough): The hon. Member for the Isle of Wight (Sir P. Macdonald) began by discussing what was or was not the declared policy of the Labour Party before it came into office. He immediately found himself in a welter of assertions, cross-assertions and contradictions. The hon. and learned Member for Carmarthen (Mr. Hopkin Morris) was on surer ground, and raised no dissent when he said in general terms that the Labour Party, before it came into office, aroused certain expectations for Palestine Jewry, which had not been fulfilled. The only point on which I must differ from the hon. and learned Member is that he deemed our attitude before coming into Office to have been wrong and our attitude since coming into Office to have been right. I take a diametrically opposite view. I think that we have been consistently right on this issue as a party until we departed from the established party policy. Nevertheless, it must be admitted that for the last two and a half years the Foreign Secretary has been busy blocking and disappointing expectations which Palestine Jewry legitimately entertained of a Labour Government, with the inevitable results of bloodshed, chaos and ignominious evacuation.

Mr. Pickthorn: I do not know whether this is a fair interruption, but if this assertion is to be made about one ornament of the Treasury Bench, is not the Minister directly responsible going to make comment on it?

Mr. Levy: The hon. Member for Cambridge University (Mr. Pickthorn) not content with having spoken himself, now seeks to dictate to the House who shall interrupt and when. Really this is going a little far even for the hon. Member. I was saying that the results of this change of policy is as I have described it. All

the bold words and all the celebrated skill as a negotiator of the Foreign Secretary, all the wiles and calculations and ability of Foreign Office and Colonial Office experts—all that these efforts have produced is a distraught land where once hopes of a renaissance ran so high; a land racked with mistrust, intransigence, hatred and fear, a few dead men, an incipient war and a diminution of British prestige. Was this the result for which the Foreign Secretary pledged his reputation?

I do not, however, want to dwell upon the past. The lost lives cannot be restored, nor the broken homes and hearts mended. What of the present and of the future? What are we doing to repair the disaster and to salvage peace? A year ago we threw in our hands. We passed the responsibility quite rightly to the United Nations. I make no complaint of that. Matters had developed to a point of insolubility where we had no other course. But having failed ourselves, one would have thought that we would have done everything possible to help U.N.O. to succeed. Did we really want a solution or did we want to perpetuate the tragic *status quo*? That question has to be asked, because again and again we have declared that we were unwilling to co-operate in the implementation of any plan that is not acceptable to both parties. If that means anything at all, it means surely that we would only co-operate in a settlement freely negotiated between the parties. But the Foreign Secretary himself has said that there is no possibility of such a settlement. On 18th February, 1947, he said:

"The discussions of the last month have quite clearly shown that there is no prospect of resolving this conflict by any settlement negotiated between the parties."—[OFFICIAL REPORT, 18th February, 1947; Vol. 433, c. 988.]

It appears, therefore, that the condition of our co-operation is one which we knew beforehand could not be fulfilled. Can that be regarded as co-operating with the United Nations Organisation.

Yet these are the grounds on which we have refused to facilitate the difficult task of U.N.O.'s Commission in the way they have asked. We have refused to transfer the reins of authority to the U.N.O. Commission progressively, by stages, as we have been asked. We have refused to allow the establishment of Arab and

Jewish Councils of Government, as we were asked; or of Jewish and Arab militias, as we were asked; and we have refused even to allow the Commission to enter Palestine at all until a bare fortnight before we ourselves lay down the Mandate. That last refusal, above all others, is guaranteed to make the process of transference pure chaos. Is that co-operating with the United Nations organisation?

We have refused all this on the ground that it is our sole responsibility to maintain law and order, which we are not doing, and to protect the frontiers from aggression, which we are not doing. In short, we have refused on the grounds that we cannot do what in fact we are not doing unless we retain undivided control.

Mr. Crawley (Buckingham): Is my hon. Friend suggesting that at this moment U.N.O. is asking that we should introduce Arab and Jewish militia and leave it to the Commission to take over from there?

Mr. Levy: If I am asked whether U.N.O. has suggested that, my hon. Friend will know quite well that U.N.O. has suggested precisely that. To the best of my knowledge U.N.O. has not withdrawn that suggestion. I had mentioned the question of undivided control, but I understand that we have not even got that, because the most astonishing document has come to my attention, which I would like to read to the House. This is a communication, which was made to the United Nations Palestine Commission by the mandatory Power, on 9th February:

"A report has been received from Jerusalem to the effect that it is now definitely established that a second party of some 700 guerillas entered via Djamieh bridge on 29th January. It is understood that the band dispersed rapidly among the villages of Samaria and there is now in that district a force of not less than 1,400. Although this force is dispersed, it remains cohesive and"—

it is the following words to which I wish particularly to direct the attention of the House—

"is increasingly exercising considerable administrative control over the whole area."

That seems to me to be a most astonishing admission. It appears, therefore, that we can share control with Arab marauders but not with the United Nations Commission.

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[Mr. Levy.]

All these refusals are gravely important, above all for one reason, a reason which some of us tried to indicate in an Amendment on the Order Paper, namely that they tend to undermine the United Nations organisation.

"That this House, while welcoming the Government's decision to terminate the Palestine Mandate on 15th May and to withdraw all British troops from Palestine, declines to give a Second Reading to the Palestine Bill, while the Government pursues a policy in respect to Palestine which undermines the authority of the United Nations organisation."

I do not want to argue the purely legal pros and cons of that case, partly because they could be interminable, but mainly because I maintain that our obligations to the United Nations organisation are much more than merely legalistic, and that the spirit is in this case really much more important than the letter. We would all admit that the Russians have done U.N.O. no service by their excessive, though perfectly legal, use of the veto. It would be equally true that we would do the United Nations no service if we, in our turn, made its decisions inoperative, it is true without incurring the odium of using the veto but by a stubborn non-co-operation. In that case we should be equally culpable and could not escape censure on legalistic grounds.

It is both our duty and our interest to make U.N.O. work and, therefore, to establish constructive and not erosive precedents. I say to my right hon. Friends the Foreign Secretary and the Colonial Secretary, let not Palestine be to the United Nations what Manchuria was to the League of Nations. We have been told again and again, and I welcome it, that support for U.N.O. is the cornerstone of our foreign policy, and we had hoped that that was true. Yet here we are continuing to supply arms to countries who have openly avowed their intention of using those arms for the overthrow of U.N.O. decisions. Is that co-operating with the United Nations organisation? Surely this is an acid test of our sincerity? I know perfectly well that there is a conflict of loyalty between our treaty obligations to these Arab countries and our obligation to promote the authority of the United Nations, but if we are forced, as it appears we are, to choose the lesser of two evils, we must choose the temporary suspension of the supply of arms,

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and if necessary the negotiation of amended treaties.

There are certain people who like to call themselves realists, and they would perhaps maintain, privately if not publicly, that what I have been saying ignores the hard realities of the situation, which are oil and strategy. They would say that principle is all right in its proper place but that its proper place is not in policy but in perorations. But even on the grounds of expediency what in the world are we accomplishing? Suppose the calculation is that, if we carry out the kind of so-called non-intervention which was so effective in Spain and similar results are achieved and Palestine Jewry is extinguished, as Republican Spain was extinguished, shall we really have benefited? Shall we really be any further forward? We shall have lost the support of those who during the war were our loyal friends and helpers in order to appease those who at the same time were either our open enemies or our unreliable and treacherous Allies.

Mr. David Renton (Huntingdon): Having seen something of both sides taking part in this war, which was two and a half years ago, I am deeply shocked at the hon. Member's strong words. I feel he may wish to modify them. There are many witnesses in all our three Forces who know perfectly well that many Arabs and many Jews gave faithful service to the Allies. The hon. Member's generalisation is not a fair one.

Mr. Levy: I certainly agree that generalisations can be too sweeping, and that there were gallant exceptions among the Arabs. But perhaps the hon. Member would allow me to quote from a report from "The Times" of a meeting at which the Foreign Secretary spoke. "The Times" report says:

"Mr. Bevin paid a tribute to the Mercantile Marine, a tribute which was loudly cheered, but when he referred to the generosity, hospitality, and help of the Arab population in the Western Desert, there was ironical laughter."

That speech aroused ironical laughter at the Albert Hall at an 8th Army meeting to celebrate El Alamein. I am satisfied to rest my allegations on the testimony of that ironical laughter.

Major Tufton Beamish (Lewes): Special pleading.

Mr. Renton: It is perfectly true, and no hon. Member would contest this, that the Arabs in the Western Desert did not make a very special contribution to the war, and no doubt the men of the 8th Army were perfectly justified in enjoying themselves when they were mentioned, but there were many other Arabs who were formed into organised forces, who would have been included in the hon. Member's generalisation, which he may wish to modify.

Mr. Levy: I have already modified it, and I think the hon. Member's second intervention was therefore not really very necessary.

I was trying to understand what even on the grounds of expediency could be the argument in favour of the Government's policy. I was suggesting what the hypothetical realists might say. But I must ask whether they would seriously maintain that we can rely on the gratitude and loyalty of the Arab States in future as our safeguard in the Middle East? Do they really suggest that the slender hope of acquiring the loyalty of the Mufti and of Fawzi Al Kawukji and the rest of them is to be the sheet anchor of our economic and strategic security? Of course they suggest nothing of the kind. The realists have another calculation up their sleeve. It is that, by supporting the feudal sheiks of the Middle East against the masses, we can ensure that interested loyalty. If that indeed should be the policy of a Socialist Foreign Secretary, I hope that he will have the courage to lay it before the party conference this summer and test it there.

I would conclude with one short quotation. It is from a speech by a Socialist politician whom I think everybody in this House respects. He said:

"Those of us who have seen the great achievement of the Jews on the spot have realised that the key principles of our great movement have been worked out by the Jews. The Jews are asked to end their experiment because our own Government is unable to secure order, is unable to restrain the Fascists, is unable to check the bandits who come in from outside."

The speaker was the present Colonial Secretary. He made that speech in 1939. *Plus ça change, plus c'est la même chose.* It was delivered at the Labour Party conference, and he was speaking to a resolution condemning the Tory policy in Palestine. That resolution

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was passed with only two dissentient hands raised, and I should not be surprised if both of them belonged to my hon. Friend the Member for the Forest of Dean (Mr. Philips Price). I wish to ask one final question. What would have been the attitude of our party this afternoon if we had been in opposition?

Major Beamish: The usual irresponsible one.

Mr. Levy: There can be no doubt what that attitude would be. I therefore ask my hon. Friends not to be too censorious if some of us feel that we must maintain that attitude in the House this evening.

6.42 p.m.

Mr. Harold Roberts (Birmingham, Handsworth): From the speech of the hon. Member for Eton and Slough (Mr. Levy) it is evident that he and his friends propose to vote against this Bill, but I shall not be one of those who will follow them. This is certainly a melancholy occasion, but I dissent entirely from the suggestion, which appears to be in the minds of some people, that it is in any way an occasion for national shame. It was instructive to hear the hon. Member for Eton and Slough point out that the Socialist policy has been right throughout, except during the time when the Socialists have been in power, when it received his unqualified condemnation.

I was also interested to hear the parallel drawn by the hon. Member for Gravesend (Sir R. Acland) when he said that this was a case analogous to the melancholy history of Manchuria, Spain, Munich and so forth. Apparently, he feels that never again can he enjoy the pleasure of taunting the Tories with their defaults in policy because now the Government are committing an equally shameful one. I suggest to him, and to the hon. Member for Eton and Slough, a more hopeful explanation, and one which I hope is not full of party rancour. It is that parties who are not in power, who have not had any great experience of power, should not think that their policies and programme are all good, and impute all that goes wrong in this wicked world to the demerits of their opponents who reside in high places. Notwithstanding their paper programmes and their ideologies, when they come to occupy high power they are capable, in the domain of foreign affairs, of learning by bitter experience, and of realising that

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[Mr. Roberts.] there is, after all, something to be said for the British point of view. The carpings and the attacks which this country continually receives do not conclude the argument.

It was pretty generally understood several months ago that the general sense of this House, and certainly of the country, was that we are to leave Palestine, and that we are not prepared to shed more blood, and incur more obloquy in trying to do our duty there. How then can anyone logically vote against a Bill which implements that decision? The Bill is imperfect, and doubtless full of difficult legal problems which will require extreme care in Committee. But I would say to the hon. Member for Cambridge University (Mr. Pickthorn) that, imperfect though it may be, it may well have to remain imperfect because, when we are outside the domain of positive law where there are no true internal sanctions verging on the well-defined sphere of international law, in circumstances to which I think history affords no precise parallel, the most we can hope for the Attorney-General and his fellow labourers is that they may produce a Bill as little imperfect as may be. I myself would not venture to ask for more.

The arguments that have been put to us are, in effect, that it is an act of abdication and an act of cowardice. We have nothing to be ashamed of. We have been for a generation in Palestine, and the result of the brutal ill usage which we have inflicted on the subject population is, as has happened all over the world—that the subject population have thrived very well upon it. The population of Palestine has risen from about three quarters of a million to a million during that time. The country has been vastly improved. The same may be said of some other parts of this globe from which we have lately retreated. I suppose it is rather old-fashioned in these days even to read Rudyard Kipling. But he was altogether wrong when he talked about the rewards which those who assumed the white man's burden would incur—the enmity, odium and attacks from those whom they benefited?

When I bear in mind particularly the sort of thing I read in "Palestine Affairs" which is issued, I understand,

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from New York, when I find that every action of His Majesty's Ministers is subjected to attack, and when all doubtful points appear to be resolved against them, I say that, for myself, I have had enough. I am sick and tired of this country being in the position of being made to carry the weight and burden, and our young manhood being murdered. If any attempts are made by our troops to defend themselves, they are reviled. This is being done by citizens of a nation which will take no part whatever in the implementation of the policy that this House decided. We had had enough some time ago, and I agree that His Majesty's Ministers should do no other than implement that decision in the Bill that is before us. That it is perfect, no one pretends; that it is necessary will be the overwhelming opinion of the country; that it is a matter for regret, all will agree; but that it is in any sense a matter for shame, for blushing or repentance on the part of the people of this country, I strenuously deny.

6.50 p.m.

Mr. Warbey (Luton): I beg to move:

"That this House declines to give a Second Reading to a Bill which, in making provision with respect to the termination of His Majesty's jurisdiction in Palestine, fails to make provision for the independence of Jewish and Arab States in Palestine as provided by the United Nations decision, for the orderly transfer of such jurisdiction to the United Nations Commission, or for consequential and connected matters."

There is a second Amendment on the Order Paper:

"That this House, while welcoming the Government's decision to terminate the Palestine Mandate on 15th May and to withdraw all British troops from Palestine, declines to give a Second Reading to the Palestine Bill, while the Government pursues a policy in respect to Palestine which undermines the authority of the United Nations Organisation."

I think it will be shown, before this evening is out, that hon. Members who have put their names to the second Amendment will support the first not only in their speeches but, unless the Government are able to announce a sudden and dramatic reversal of their policy, also in the Division Lobby. This is a reasoned Amendment for the rejection of the Bill. We do not oppose that part of the Bill which makes provision for the termination of British jurisdiction in Palestine. I think I can say that all who are criticising the policy of the Government on this matter are entirely agreed that the

decision to terminate the British Mandate in Palestine and to withdraw British troops is absolutely right and necessary. In fact, I would go even further and say that it is intolerable that our troops should continue to be exposed to the dangers and difficulties to which they are being exposed at present. It would be for their good, and probably also for the good of the Jews and the Arabs in Palestine, if this whole process could be speeded even faster as that transfer was earlier than the date given by the Government. If we cannot provide for an orderly transfer of our authority, we should call in the Palestine Commission, get out as quickly as we can, and give at least a fair chance to those who may have the terrible job of fighting it out in Palestine. While we remain there, as has already been shown by my hon. Friend the Member for Eton and Slough (Mr. Levy), and as I hope to show also, the situation continues to deteriorate and the scales continue to be weighted against those who support the decision of the United Nations, and in favour of those who are opposed to that decision, and who have threatened to upset it by force.

Therefore, we accept gladly the termination of British jurisdiction in Palestine. But this Bill provides for the end of our jurisdiction and for absolutely nothing at all to replace it. It leaves behind a complete vacuum after our authority has been withdrawn. It provides for no transfer to a successor régime. It provides for no handing over of property, and makes no provision for citizenship and other matters appropriate if we are to make an orderly transfer to a successor authority. In effect, what this Bill says is, "We clear out of Palestine and *après nous le déluge*." That is the situation which it creates. We are not asking that the Government should take the sole or major responsibility for implementing the United Nations decision regarding Palestine. We accept the point of view of the Government, that it would be entirely wrong to place the major responsibility upon this country; but we say that we have a part responsibility which we cannot evade if we are loyal to the United Nations.

The Colonial Secretary, this afternoon, rightly reminded hon. Members that the Government have accepted this decision of the United Nations. I have a feeling

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that that is sometimes too often forgotten by some hon. Members. The Government have accepted this decision. In fact, to use the words used by my right hon. Friend and also by the Foreign Secretary when that acceptance was announced, it was accepted as the decision of the court of international opinion. The Foreign Secretary even went so far as to say that this decision had been placed on the Statute book of the great world organisation. One cannot use language of that kind, one cannot use language which implies that this decision has the force of international law, and then run away entirely from one's responsibilities, or from any responsibility, for helping to see that that law is carried out.

The United Nations did not provide that the British Government, the mandatory Power, should accept the main responsibility for implementing the decision. On the contrary, it placed the main responsibility upon the Palestine Commission. It is the Palestine Commission that is required to carry out the various specific recommendations necessary for implementing that decision. But what it did ask—and I am sure my right hon. Friend would agree that it rightly asked—was that Britain, as the Mandatory Power, should facilitate the work of that Commission, should help it to carry out this work, and should do nothing to delay, hinder or obstruct the work of the Palestine Commission.

The substance of our complaint against the Government, and our reason for moving this reasoned Amendment, is that the Government by their policy, and as is reflected in this Bill, instead of helping to make possible the work of the Palestine Commission and the implementation of this decision, have delayed and frustrated the work of the Commission and the decision of the Assembly. I am sure that hon. Members would agree that when people say they accept a decision, and accept it as being equivalent to international law, they also mean that they intend to do what is necessary in order to see that it is carried out. The General Assembly said that certain things were necessary. They have already been referred to this afternoon. Perhaps the most essential point was stated in paragraph B (2) of Part I of the Plan of Partition drawn up by the Assembly. That said:

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[Mr. Warbey.]

"The administration of Palestine shall, as the mandatory Power withdraws its armed Forces, be progressively turned over to the Commission which shall act in conformity with the recommendations of the General Assembly, under the guidance of the Security Council."

Therefore, the Palestine Commission was to take over the administration of Palestine, and as soon as possible it was to set up Provisional Councils of Government for the Jewish and Arab States. As soon as possible, it was to create militias to defend each of these States, and those militias were to act under its authority. In Section 13 the whole position is made clear as to the transfer of authority

"with a view to ensuring that there shall be continuity in the functioning of the administrative services"—

which, after all, is what we are concerned with—

"and that, on the withdrawal of the armed Forces of the mandatory Power, the whole administration shall be in charge of Provisional Councils and the Joint Economic Board, respectively, acting under the Commission, there shall be a progressive transfer from the mandatory Power to the Commission of responsibility for all the functions of government."

That is the whole set-up envisaged by the General Assembly—the limitation of the frontiers, the setting up of the Provincial Councils for each of the two new States, the creation of militias to defend those States, and on top, exercising the responsibility for administration on behalf of the United Nations, the Palestine Commission.

What we were required to do was simply to make it possible for the Palestine Commission to do its job. A fundamental requisite for its doing that job was that it should go to Palestine as early as possible; yet, in fact, what did the Government do? They refused to allow the Palestine Commission to go to Palestine, even when the Palestine Commission urgently requested them to do so, and there is no doubt at all about the attitude of the Palestine Commission upon this question in its first report to the Security Council. The Commission said:

"The Commission does not find satisfactory the suggestion that the Commission should not go to Palestine until approximately a fortnight before the termination of the Mandate."

It went on to say:

"The full implementation of the Assembly's recommendation requires the presence of the Commission in Palestine considerably in

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advance of the transfer of authority from the mandatory Power to the Commission."

It went on to describe the enormous task that has to be carried out in Palestine, which has been rightly stressed by my right hon. Friend, and it pointed out that it could not make an orderly transfer of functions and carry out all these tasks unless it was there in good and sufficient time to make the necessary plans. Yet, we have persisted in this refusal.

The right hon. Gentleman the Member for Saffron Walden (Mr. Butler) called attention to a very important and serious statement which was made by my right hon. Friend in the course of his speech today. The Colonial Secretary had been talking about our negotiations with a prospective successor authority, and he went on, later in his speech, to say that a situation might arise in which the Palestine Commission was not able to take over jurisdiction in Palestine on 15th May; in other words, a situation might arise in which a complete vacuum and chaos would result, with no provision, apparently, made for such a situation by the Government. I want to point out that, if the Government had carried out the terms of the Assembly resolution, if it had acceded to the request of the Palestine Commission, instead of any danger of a hiatus on 15th May, the Palestine Commission would by now already be in Palestine and beginning to do the job which it was asked to undertake by the Assembly. In fact, it is the British Government which has prevented the Palestine Commission from going out there and starting to do its job.

It may very well be said that now the Palestine Commission is beginning to get worried about what would happen if it should go out there. The Palestine Commission is beginning to turn to the Security Council, and so on, but what is happening in the meantime? In the meantime, the Government, through their official representatives, have been repeatedly intimidating that Commission and threatening it with what would happen if it goes to Palestine, pointing out to it all the dangers that will arise if it should try to carry out the task which has been entrusted to it. This is what Sir Alexander Cadogan told the Commission on 21st January:

"The Government of Palestine fear that strife in Palestine will be greatly intensified when the Mandate is terminated, and that the

international status of the United Nations Commission will mean little or nothing to the Arabs in Palestine, to whom the killing of Jews now transcends all other considerations."

Mr. Fletcher-Cooke, of the United Kingdom delegation, told the Commission:

"The view held by the Government of Palestine is that the arrival of the Commission will be the signal for widespread attacks by the Arabs both on the Jews and on the members of the Commission itself. In addition, some 62 per cent. of the present Government staff in Palestine are Arabs, and there is reason to believe that none of these will be willing or able to serve the Commission. The Arabs have made it quite clear, and have told the Palestine Government, that they do not propose to co-operate with or assist the Commission, and that, far from it, they propose to attack and impede its work in every possible way."

He then said:

"We have no reason to suppose that they do not mean what they say."

No word of condemnation; on the other hand, every attempt to build up this picture of the great threat which the Arabs are holding out to the United Nations and the Palestine Commission, every effort to magnify Arab threats of violence, which are condoned by the Government and which they do nothing to oppose.

I see that the Colonial Secretary shakes his head. How is it, then, that there are Arab forces perpetually crossing the frontiers into Palestine? How is it that there are, as his Under-Secretary told me last week, 5,000 armed Arab troops which had crossed the frontiers into Palestine?—and more have come over since. How is it that Fauzi Kawjie, who led the Arab revolt in 1936 and fought against us in the last war, is able to cross the frontier into Palestine, to come over with arms and considerable armed forces in military convoys, set up a military headquarters in Palestine, and organise a civil administration? All this is happening, and yet, when we ask Questions about it in this House, we are told that the High Commissioner for Palestine says he has heard a local rumour to this effect, although it is published in the whole of the British Press and although this gentleman is receiving Press correspondents at his military headquarters inside Palestine.

What are we doing to stop this hostile incursion into Palestine? What are we doing to protect Palestine against the Mufti? We maintain that we must have undivided control, and that is why we say that we cannot have the Palestine

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Commission there. We say that we must remain solely responsible for defending law and order and for defending Palestine against aggression. Well, are we doing it? On the contrary, as we know, law and order are not being maintained in Palestine. There is virtual civil war in Palestine and on the frontiers of Palestine, constantly being increased by the Arab invasion.

That is the situation today, not only inside Palestine but outside. The Arab States, which have openly declared their readiness to flout the decision of the United Nations, to use force to upset that decision and to use force even against a United Nations Army—these Arab States receive every encouragement from the British Government. Have we protested to them? How many public protests have we made? I asked that question, and my right hon. Friend was not able to reply. As far as I know, we have made only one public protest to an Arab State against these incursions. That was on the first occasion, and, as far as is known to Members of this House, there has not been one since. Have we stopped sending arms to these Arab States? Have we informed them, and made it absolutely clear to them, that we regard their attitude as wrong, as contrary to the United Nations, and as one which we are not prepared to tolerate or assist?

On the contrary, by retaining our military missions and by continuing to send arms, we give them every encouragement to go on with their hostile attitude. We encourage the Arabs; we discourage those who fear the violence of the Arabs. We build up this picture of the violence of the Arabs, and all the time that these threats to international peace and security are taking place in Palestine, we sit back on the Security Council and say nothing about them.

In his speech, my right hon. Friend referred to the question of a possible breach of international peace and security. He said that the Security Council had not even considered the question of a breach of international peace and security. I do not know whether he is acquainted—he must be—with the speech of the American delegate to the Security Council made on 24th February. Referring to the report of the Palestine Commission on the security problem in Palestine, the American delegate said:

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[Mr. Warbey.]

"It reports facts which, if accepted or substantiated by the Security Council, would appear to lead to the conclusion that a threat to international peace is present in that situation."

There is no mistake about that language. He went on to say:

"The information which is officially before us, as well as unofficial reports from Palestine, indicate that a major security problem is involved."

It should be remembered that the reports, or some of the reports on which these statements were based, were reports supplied to the Palestine Commission by the mandatory Power itself.

I want to ask why we have not reported to the Security Council those breaches of the peace which are constantly taking place in Palestine? Why have we not invoked their aid in Palestine if our 80,000 troops there are unable to protect the frontiers against hostile invasion? I think it is clear from all these matters—from our negative attitude on these matters and from our positive weighting of the scales on the Arab side, from our refusal to take any action which would assist the Palestine Commission to get on with the job and create some authority in Palestine—that what we are doing is to create a situation in which, by the time 15th May arrives, there will be not only a vacuum, not only a blank sheet, but a sheet on which terrible deeds will be written in blood.

That is the situation which is liable to be created, and that is why we move this reasoned Amendment; that is why we ask hon. Members to support us in the Division Lobby. This will be only the second occasion in this Parliament on which I shall have voted against the Government. I do not like voting against the Government, but on this occasion I shall do it with a good conscience, because, if there is one aspect of Government policy in which I have had firm faith and belief, and of which I have been proud, it has been the Government's declaration that we intend to make the United Nations the core and centre of our foreign policy. It is because we are failing to do that on this Palestine question that I shall record my vote against the Government.

7.15 p.m.

Mr. Sydney Silverman (Nelson and Colne): I beg to second the Amendment.

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During the last two years I have, from time to time, inflicted upon the House speeches on this subject, and I have always had occasion to be grateful for the way in which those speeches were received, even by those who did not agree with them. Perhaps that is not true of my speeches on other subjects. Therefore, I do not propose to take up the time of the House in dealing with the general subject. The House will know that I am one of those who believe that this effort of the Jews to take a displaced people to a deserted land and to recreate both, not by arms and not by force, and not by the exploitation of the labour of others, was an endeavour of which no man, no Jew, no Socialist and no Englishman need be ashamed. That was always the view of this party.

Where are we today? There is one thing on which we are now all agreed. The Government have always said that they would do nothing about Palestine policy except on the basis of agreement. There is one thing about which everybody is agreed—Jew and Arab in Palestine, Jews outside Palestine, this country as a whole, this House as a whole, and, as far as I understand, the United Nations' decision, the world as a whole—and that is that we had better bring the thing to an end and get out as quickly as possible. About that, everyone is in agreement. This Bill, which, in a way, is designed to enable that to be done, is being opposed, not because any one of us is against terminating the Mandate on 15th May, and taking out every British soldier as soon as he can be got out, but because of the way in which it proposes to do it.

There are two ways in which it could be done. One way in which to terminate our jurisdiction in a country is to do as we did in Burma. We could pass a Bill to provide for the independence of the country and for the handing over to the Government of an independent country of our jurisdiction, and of the function of government, State property and everything else that goes to make up the whole fabric of an organised community. It is not suggested that, in this case, it can be done so simply and directly as that. But there is another way in which we can do it. We can just go out and not bother. We can say, "We wash our hands of this and of everything connected with it. We go away, and we take no

responsibility at all for what we leave behind. We make no provision of any sort or kind for any successor authority. We make no provision for the status of the land, no provision for the status of the people, no provision that any law of any kind shall be valid or operative in the country, no provision for any organised society of any sort, and no basis of authority."

Such a Bill would be one to legislate for chaos, and that is what this Bill does. To do this thing in this way is deliberately and of set purpose to create anarchy. I want to know from the Government whether that is their intention. Do they wish to leave chaos and anarchy behind them? Is it part of their policy for Palestine to take away their jurisdiction and to make sure that there shall be no jurisdiction left behind? I hope somebody will provide answers to these questions, because I am not alone in asking them. Do the Government accept the decision of the General Assembly of the United Nations? If the answer is that they do accept it, will they tell us what they mean by accepting it? What does the word "accept" mean? I accept for myself that it does not mean "implement." It does not mean "impose by force." It does not mean "take the responsibility ourselves of resisting by force attempts by force to prevent it coming into operation." But even though it does not mean "implement," it must mean something. What does it mean?

My right hon. Friend the Colonial Secretary—and I know he will forgive me if I refer to him, without bitterness, as my old Zionist colleague and friend—said in his speech that partition is impracticable and unworkable. Does he mean that? Surely we are entitled to know. We cannot accept what we think is impracticable and unworkable. We cannot say, "I accept this, short of implementing it myself, I will be loyal to it short of implementing it myself, I will co-operate with whatever authority tries to bring it about," and at the same time and in the same breath say, "The thing is impracticable and unworkable." Which is it? My right hon. Friend did not always think that partition was impracticable and unworkable.

Mr. Creech Jones: I did not say that.

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Mr. Silverman: Does my right hon. Friend wish to disagree? I thought he said it, and a great many of us thought he said it.

Mr. Creech Jones: What I said was that there were seven aspects of the resolutions passed by the Assembly on 29th November which were unworkable and impracticable.

Mr. Silverman: I apologise. I am greatly relieved and very grateful, and I think my right hon. Friend ought to be grateful to me for giving him the opportunity to clear up an ambiguity which I am sure was not confined to me alone. We now have it from him that he does not think that partition is impracticable or unworkable. Is that right? [HON. MEMBERS: "Answer."] We ought to know, because the Government have said time after time, within a connotation which they have not defined and which I think some day they must define, that they accept this decision. When they say, "We accept it," does that mean, "We think it can work and we will do our best, short of implementing it ourselves, to make it work?" Is that what they mean? Is that the Government policy? [HON. MEMBERS: "Answer."] Why at this time of day should the House of Commons be left to ask these questions? Why have not all these matters been cleared up long ago? Since we have not had the answers yet, are we not entitled to them now?

I say to my right hon. Friend, either he must accept the scheme as practicable and workable, and loyally accept it in that sense, or he ought to have told the General Assembly, "Do anything else you like, but do not do that, because it cannot be done." I have offered several times to my right hon. Friend to give way if he likes to intervene, but until he denies it, I think we must accept it that I am right in saying that in his opinion, at any rate, the scheme is practicable and workable and that the Government accept it. We shall go on thinking that until somebody denies it.

On that basis, what in the world does this Bill mean? Clause 1 says that on the appointed day—and although my right hon. Friend knew the appointed day, he would not put it in his Bill; I do not know whether any significance is to be attached to that—our jurisdiction

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[Mr. Silverman.]

in Palestine comes to an end. When it comes to an end, what is left? Until the Mandate there was no Palestine. Palestine was part of a Turkish province, and the only jurisdiction that Palestine as such in modern times has ever known is the jurisdiction of the Palestine Administration under the general authority of the Colonial Office and this House. If that comes to an end, then there is nothing left. What law is left? What law will run in what court in Palestine when our jurisdiction comes to an end and nothing takes its place? If bridges or trains are again blown up, or people murdered, against what law will those responsible offend if our jurisdiction comes to an end and we provide for nothing to take its place?

My right hon. Friend spoke about extending and building up local authorities in the meantime. On what are they based? What will be their authority to go on exercising any kind of jurisdiction in any of the towns of Palestine? As I understand it, authority at present is derived solely from the Palestine Administration. When their jurisdiction comes to an end, so does all law and order for all purposes in Palestine, unless we put something in its place. What becomes of the status of Palestine? At the moment we know what its status is. It is a British protected territory under a Mandate from the United Nations. That comes to an end on the appointed day, which we are told is to be 15th May. What then under international law is the status of Palestine—a no-man's land in which none had authority, or in which all have equal authority? Are there any frontiers after your jurisdiction comes to an end? If on the one side Jews immigrate, will that be against the law, and if so, against what law? If on the other side the armed forces of the Arab States come in, against what law will they offend, your jurisdiction having come to an end and nothing having been put in its place?

Mr. Godfrey Nicholson (Farnham): "Our" jurisdiction.

Mr. Silverman: Be it so.

Mr. Nicholson: The hon. Gentleman said "your" jurisdiction.

Mr. Silverman: I do not understand why the intervention was made.

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Mr. Ivor Thomas (Keighley): Because my hon. Friend said "your."

Mr. Silverman: I am talking to the Government.

Mr. Thomas: My hon. Friend appeared to be addressing Mr. Speaker.

Mr. Silverman: Let us not be led away by what, after all, was a verbal slip. I am sure hon. Members agree that we should adopt a responsible attitude to this problem. I ask again, if the jurisdiction of whoever is responsible today comes to an end on 15th May, and if on 16th May the armed forces of the Arab state cross the Jordan frontier, against whose laws will they offend? It is a question that ought to be answered.

Sir P. Hannon: Surely, the right hon. Gentleman, in the course of his speech this afternoon, made it clear that the responsibilities and duties to which attention has been called by the hon. Gentleman opposite will devolve on the United Nations Commission. From his speech it seems to me that the United Nations take charge of these responsibilities.

Mr. Silverman: I am very grateful to the hon. Gentleman for his friendly and helpful interruption. I have heard my right hon. Friend's speech, and I listen to as many of his speeches as I can. I always enjoy them, and they have great authority, but they have not the force of international law. If that is what he means, it should have been in the Bill, and that is my objection to the Bill; the whole objection on which this Amendment is founded is the failure to put into the Bill—as could and should have been put into the Bill—something to show what my right hon. Friend had in mind as to what would remain as the law of the country, in some sense or some form. The United Nations organisation, with all its faults and inadequacies, is doing its best very quickly with a job we, at any rate, have resigned after some 30 years, and did not in the way they dealt with it leave the questions unanswered that this Bill leaves unanswered? They provided for the interregnum, a series of recommendations, leaving it to Great Britain to say that they would go out, and on what date, and then providing a series of steps for the transfer of partial power and culminating in the end in the transfer to the United Nations Commission on the

day our jurisdiction ended that some jurisdiction should continue.

The amazing thing is that in this Bill neither the United Nations nor the United Nations Commission on Palestine ever appear at all. Not one word of them. Not one word to show there ever was a Mandate. Not one word about the League of Nations. Not one word about the United Nations decision. That is why I say to the Government: "Do you accept this decision or not, because this Bill will be taken all over the world as evidence that you reject it and are prepared to sabotage it?" I am not saying that my right hon. Friend wants to do that. I am saying that, in fact, that is what the Bill will do, and all over the world everyone will say it is the policy of the British Government, or of the British Foreign Secretary, because this is the personal policy of the British Foreign Secretary; this man never wanted partition; he had not the courage or the guts to go to the United Nations and say so; he kept out and said nothing, but everybody knows he never wanted it. Since the United Nations have decided it, in spite of that fact, so long as he retains the power he will do nothing to help and this Bill is the evidence of that.

Sir P. Hannon: I hope the hon. Member will forgive me if I interrupt again. I hope the hon. Gentleman will not exercise the faculties of his imagination too far. He is making a speech tonight which may make great difficulties all over the world, and may arouse many difficulties in the United States of America, and I would suggest that the hon. Gentleman should restrict his observations in making any commenting criticism on the right hon. Gentleman the Foreign Secretary.

Mr. Silverman: I hope the hon. Member will do me the justice of recognising two things. On this subject I always try to speak with a sense of responsibility, and it would be an impertinence to say anything I do not mean when I address the House. I believe there is great danger in what I am discussing, as suggested by the hon. Gentleman, but the danger does not lie in what I say. I do not think I am listened to with such rapt attention as all that in America; sometimes I wish I were.

The danger arises in whether what I am saying is true or not. If it is not true, what I say will do no harm. If it is true,

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this Bill ought to be taken back and a new Bill presented, precisely in order to avoid those dangers. Everyone will say we are doing this in the most unco-operative way possible—we are doing this deliberately because we do not want this policy to work, yet there is no other policy. Nobody was able to suggest to the United Nations, difficult as this solution is, that there was any other policy. No one who has ever looked at this problem has ever thought that, in the end, there could be a solution other than this solution of partition.

I beg the Government to take this Bill back today and to bring in a new one which will make clear to the world that they accept their responsibility under the United Nations. It is the best thing for Palestine, and the best thing for this country, but it is also the best thing for the world. This is the first occasion in two and a half years, since the end of the war, that the United Nations has been able to reach an agreed decision—virtually a unanimous decision—about a point which really does matter in the end to the peace of the world. We ignore it, we belittle it, and we cast doubt upon its validity, and we refuse to co-operate with it—not at the peril of Palestine, nor at the peril of this country, but at the peril of the peace of the world.

7.37 p.m.

The Attorney-General (Sir Hartley Shawcross): Most unhappily, no statute passed by this Parliament can solve the problems which have been so eloquently discussed by the hon. Member for Nelson and Colne (Mr. S. Silverman), nor is it within the power of this country to avert some of the dangers to which he has referred. This Bill is a machinery Bill, intended to implement the policy to which the Government have been forced, and which has been discussed more than once in this House.

It may be of assistance to the House if I intervene at this stage to discuss, not that policy—the policy to which the Government are compelled by the force of circumstances firmly to adhere—but the machinery by which this Bill seeks to carry it out. May I say at the very outset of my remarks how much I agree with the sincere and useful speech of the hon. Member for Handsworth (Mr. H. Roberts), particularly when he referred to the legal aspects of this matter. This

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[The Attorney-General.]
is not a perfect Bill—of course, it is not. We are dealing here with a matter of the greatest complexity, of a wholly unprecedented kind, and we cannot hope in a statute of this sort to produce a perfect answer to all the problems that may arise.

I will endeavour to deal with some of the legal points that have been raised. Dealing with them, I am profoundly conscious that it would be a rash man who would attempt to arrive at any final conclusion in regard to some of them. It would indeed be a rash man who attempted to express any final view about a matter of English law before it had been concluded by the highest court in the land. It would be even a rasher man, in the existing state of international law, who attempted to express any final view about the rules of international law; but it would be the ultimate height of folly to attempt to lay down, now, the law in regard to matters which are wholly without precedent in the international field, on facts and circumstances all of which have not yet fully developed. With that caveat at the beginning, I will try to the best of my ability to indicate to the House the view I have formed about some matters raised in the course of the Debate.

The first point, which was raised by the senior Burgess for Cambridge University (Mr. Pickthorn) was the question whether we can, as a matter of law, terminate our jurisdiction in Palestine. That question does not cause me the same difficulty as arises in connection with some of the other points. In my view, there is no doubt at all as to the legal position. I am not talking of the policy and I am not discussing the merits of the matter. There is no doubt that we are legally entitled to terminate our Mandate. There is, as far as I know, no rule of international law and no rule of municipal law which would compel us to continue the expenditure of British blood and British treasure upon an attempt to carry out a Mandate which has become completely unworkable and which, by the common consent of the United Nations cannot now be brought to the fruition which was originally contemplated, even if it were the case, as it certainly is not, that the Mandate is a kind of international statute or contract, giving rise to enforceable obligations. The

complete frustration of the object contemplated by the Mandate would certainly relieve us of our obligations in the matter.

We have attempted to discharge our task and we have exercised our jurisdiction, arising under an English statute, the Foreign Jurisdiction Act, 1870, to the best of our endeavours. The task has been impossible of accomplishment and we must now, reluctantly, lay it down, in the hope that others will succeed where we have failed.

"Till hope creates from its own wreck,
The thing it contemplates."

So much for that matter, on which there can be no doubt that we are entitled to do by this Bill that which we are attempting to do.

I was asked by the hon. Member for Cambridge University, and by my hon. Friend the Member for Nelson and Colne, what will be the international status of Palestine after our withdrawal. That is certainly a much more difficult matter, and is not one upon which it is possible to express any final view. Palestine clearly will not be an independent sovereign State and for some time, at least, it will not have an independent government, assuming, as we must assume, that it has a government at all. If the United Nations is able, as we all hope it will, to exercise effective control, then Palestine will become an area entitled to legal recognition in international law as a legal entity under the control of the United Nations and held in trust with a view to its development, according to the wishes of the United Nations.

If, most unfortunately, the United Nations Commission does not succeed in its task and if then the Jews and the Arabs, faced as they would then be, by the dread alternative, do not find some accommodation between themselves and do something which no Act of this Parliament can ever do, establish for themselves their own form of government and make their own arrangements in Palestine, the position in that unhappy country will be that it would no longer have any *de jure* government or be entitled to recognition in international law. Until things had developed and had settled down, and some new organisation had gained power, the ultimate legal status of Palestine in international law would have to be suspended and wait upon the development

of circumstances and facts. That is all that one can say about that status.

Mr. S. Silverman: Many of us are shocked and alarmed at what my right hon. and learned Friend has just said. He made no reference whatever to the United Nations Commission's plan to set up two independent States in Palestine. He did not mention that at all. Suppose that a Jewish Government emerged in a part of Palestine. Would we recognise it at all? Would that affect the status of the country or not?

The Attorney-General: I hoped that in what I had said I had covered that point. I have to be short because I have not much time. If the United Nations Commission succeeds in exercising effective control which establishes, or leads to the establishment of, two separate States, those two separate States will undoubtedly secure international recognition; but whether those two States can be established depends upon the measure of effective control which the United Nations are able to exercise in the matter. It is not a thing with which we can deal by passing an Act of Parliament here. It depends upon the success which attends the efforts of the United Nations.

Mr. Mikardo: Will the Attorney-General allow me to interrupt? I do not want to delay him, but I wish to get as much benefit as I can from his intervention. The second of the two possibilities he mentioned is that the United Nations does not succeed in getting the two Governments going and that there is no *de jure* government. What would be the position, in the view of the right hon. and learned Gentleman, of the nationality of people, at present Palestinians and ranked as British citizens with British passports? What would happen to their nationality; and, whatever his answer is, why could not that matter have been included in the Bill?

The Attorney-General: We did not think there was any need to deal with the question of nationality in the Bill. I think that the position is fairly clear. It is not the case, as my hon. Friend the Member for Reading (Mr. Mikardo) suggests, that the present inhabitants of Palestine are British subjects; nor will they be dispossessed of any nationality which they at present enjoy when we lay

down the burden which we have hitherto borne of giving them the protection, but not the nationality, of the British Crown.

Several Hon. Members rose—

The Attorney-General: I would like to give way, but if I did give way upon every Committee point which hon. Members wish to raise, I should be preventing other people from having an opportunity of speaking on policy, as I believe they wish to do. The present position of the inhabitants of Palestine is that they are citizens of Palestine and they will continue to possess the various nationalities which are attributed to them by reason of their parentage or their place of birth. Neither those who have immigrated into Palestine illegally in recent years, nor those who have always been there, enjoy British nationality by reason of that fact. All that we are doing, in the policy that we are following, is to remove from them, reluctantly but inevitably, the protection which they have hitherto enjoyed as British-protected persons.

So far as the law in Palestine is concerned, the position will be that the existing law will continue in operation. How far it will do so must, of course, depend—

Mr. S. Silverman: How can it operate?

The Attorney-General: If my hon. Friend would allow me, I was just about to deal with that point. How far it continues in operation will depend upon what, if any, Power takes over the effective Government of Palestine when we leave. If the United Nations Commission is able, as we hope, to take over effective control of Palestine with a view to implementing a United Nations policy of establishing two separate States, the existing law will remain in operation until they change it or amend it.

Mr. Silverman: I really do apologise for intervening again, but it is to point out that my right hon. and learned Friend has missed the point of my question. When I asked how far it could operate, I was not dealing at all with how far it can be made effective, but with the point of validity. If the jurisdiction under which a law was enacted comes to an end, how does that law persist?

The Attorney-General: That is not a good point. It is a well-established rule

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[The Attorney-General.] of international law and it is one which we can say with confidence is fairly well established, that the laws of a country which has been ceded, or abandoned, continue, in the presumption of international law, to be those which existed at the time of the cession or abandonment. That is the legal position. Whether these laws are enforceable or not, of course, depends upon the existence of some state of government to give effect to them.

I come now to a quite different matter. I have to deal with these points in rather a disjointed way. I come to the question of the abatement of appeals to the Privy Council. The Privy Council hope to dispose of all appeals lodged before the presentation of the Bill, before 15th May. So far as appeals which may be commenced—if any be commenced—hereafter are concerned, no other provision is possible in law than that which we are seeking to make in this Bill. Neither His Majesty's Government nor the United Kingdom Parliament will be in a position to enforce either the recommendations which the Privy Council may make on such appeals or the original decisions which are appealed against. It would, therefore, be just as inappropriate for the Privy Council to entertain those appeals and pass upon them as it would be for the courts of any other country generally, in connection or association with Palestine, thereafter to attempt so to do.

Now I come to the provisions of Clause 2 (2), which may at first sight appear to be open to criticism as giving something in the nature of a blank cheque to British officers and British soldiers, enabling them to commit all manner of illegalities, and preventing recourse to British courts in regard to them. In truth, that Clause is not of such far-reaching effect, and to quite a considerable extent it involves no more than a clarification of what we believe would, in any event, be the existing law after we lay down our responsibility for Government on 15th May. It is perfectly true, of course, that more normally Parliament would not wish to pass an Act of Indemnity until after the event, and with knowledge, if not of all the particular cases which were going to be covered by it—and in the case of general Acts of Indemnity like the one passed in 1920, there was, of course, no knowledge of all the particular cases that would be

covered—but with knowledge, at any rate, of the general circumstances.

But we must not close our eyes to the immense practical difficulties of the present situation. In the last few weeks before we relinquish our powers of Government, and in the period immediately thereafter, all sorts of emergencies and difficulties may arise. There may be—one hopes there will not—but there may be an exacerbation of many acts of violence which are occurring now. There may, of course, be decisions required to be taken, all sorts of action required, for which the existing law and existing regulations and existing practice make no kind of provision at all. In those circumstances we really cannot expect officials, performing their duty in circumstances of great anxiety and great stress, to weigh with nicety the exact legal position before they take the action which the circumstances seem to require. There will be times in which officials must be encouraged to act, in good faith, certainly, and in accordance with their duty, but with firmness, and without trying to get counsel's opinion beforehand as to whether what they are doing is strictly in accordance with existing law or not.

That is why we have thought it right at this stage to introduce this provision into this Bill. Those officials, acting in these unprecedented circumstances, have got to do what good sense requires at the time, provided they do it in good faith. They have to be told now that they will be protected, and will not be exposed to any personal liability. We must not allow them to be paralysed by the uncertainty of the law, to which the complicated and unprecedented circumstances are most likely to give rise. That is all this Clause does. It does no more than, I am quite certain, this House would wish to do by a general Act of Indemnity passed in the ordinary way. Indeed, in the Clause, particularly in Subsection (4) relating to certification by a Government Department, we have adopted the very language used in the Act of 1920.

I just add this point. I said that this Clause, very rightly, does no more than clarify what will be the legal position when we lay down responsibility for Government. It is the existing law that, where an action is brought by a foreign subject in respect of acts done by British

soldiers or officials on foreign territory, which were done on behalf of the Government, or adopted by the Government after they were done, the defence of Act of State is a complete bar to any claim to damages that may be made. It is also the existing law, as a matter of international law, that, where we have Forces in occupation of foreign territory, it is recognised that they are entitled to do that which is necessary for their own safety and protection, and that what they do in the course of those duties on foreign territory is not justiciable in the courts of this country or any other country.

Mr. Manningham-Buller (Daventry): Does the right hon. and learned Gentleman say that in the areas which our troops occupy the Commission will have no responsibility for administration or no jurisdiction?

The Attorney-General: I am putting the position, of course, in the worst possible case, where there is no ordered form of Government in existence; not a state of war, but troops in occupation of foreign territory in which there is, in fact, no settled form of Government. If, as we hope, the Commission are able to establish some form of government and accept responsibility they would, no doubt, have jurisdiction in those areas.

Mr. Manningham-Buller: This is a very important point. Assuming that the Commission will, in fact, operate as the Secretary of State for the Colonies said, it means that over the whole of Palestine after 15th May the Commission will be responsible for administration, maintenance of law and order, and enforcing the law. Then it follows, does it, that we still exercise an overriding jurisdiction for the preservation of the safety of our troops?

The Attorney-General: I apprehend that we shall be compelled to do whatever it is necessary to do to preserve the safety of our troops. That would be the paramount obligation of our Commander-in-Chief. As one hopes may be the case, if the Commission is able to exercise an effective jurisdiction, it would not be necessary for our troops to do anything which was not in accordance with the local law. No question of claims arises at all unless something is done which was not in accordance with the law. In that

case the defence of Act of State would not arise.

Mr. Manningham-Buller: So a British civilian or British soldier in such area as we occupy will be subject to two different kinds of jurisdiction, the British exercised jurisdiction and the jurisdiction nominally exercised by the Commission? In spite of the indemnity that is provided in this Bill, he could be held liable for acts he commits under the law exercised by the Commission?

The Attorney-General: That is, of course, always the position of British troops in any foreign country. They will be liable to the law of that country. They will also be liable to British military law. That does not involve a novel position. I do not think it has raised a difficulty before, and we must hope that it will not raise a difficulty in this case. British soldiers are obliged to obey their orders in whichever country they may be, whatever the circumstances may be. Whether they expose themselves, by so doing, to a breach of the local law is a question one can determine only by looking at the local law. It is a well known problem of which the hon. and learned Gentleman, with his experience, must be aware. I cannot possibly say what effects are likely to arise in regard to it.

Those are the problems which, I think, were raised specifically in the course of the discussion. My hon. Friend the Member for Nelson and Colne said we might have provided for that point. No doubt we might; I am not quite sure how we would provide for that particular point. No doubt, there are a hundred and one points that will arise in the course of our withdrawal from Palestine, some of which might be anticipated now, and some of which we cannot possibly anticipate now. We cannot attempt to provide in detail for every kind of difficulty which may arise in the course of this withdrawal. All we can do in this short Bill is to lay down, broadly, the main legal principles which we think it necessary to enunciate. We do not say that it is a perfect Bill; we do not say that it covers every point that may possibly arise. What we have sought to do is to put before the House a Bill which implements the policy on which His Majesty's Government are decided.

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[Major Legge-Bourke.]
only say that the Government deserve my censure, although I shall support this Bill tonight.

8. 5 p.m.

Mr. Thomas Reid (Swindon): My hon. Friend the Member for Luton (Mr. Warbey) suggested that the Government are being disloyal to the United Nations unless they take a hand in implementing the decision of that organisation. In spite of what the Attorney-General has said about the difficulties of international law, I should like to draw attention to a few points in the Charter of the United Nations. Section 14 says that the Assembly may recommend measures for the peaceful adjustment of any dispute. Section 4 says that members of the organisation shall refrain from using the threat of force or from the use of force against the integrity or the independence of any State. And yet this Assembly of the same organisation is proposing to interfere with the integrity of and to disintegrate a State. I certainly say that is immoral, probably illegal and certainly unjust.

The Assembly may make recommendations. The Government say that they will not necessarily accept the recommendations, and they are not bound to accept them. The South African Government recently refused to accept such recommendations in regard to South West Africa, and no one has been able to prove that they acted illegally in doing so. What all Governments must do is to accept decisions of the Security Council, but in this case the Security Council has as yet given no decision. So far, our Government have done nothing wrong in relation to the United Nations. There has been no decision by U.N.O. as a whole. There was, however, a recommendation by the Assembly, which has very properly been sent as a recommendation to the Security Council, but the Security Council has made no decision on that yet. If our Government should reject a decision of the Security Council, then it must quit U.N.O. As regards the recommendation of the Assembly, we know that it is a matter of public knowledge that the State which was largely responsible for that decision is America. An American party got this unjust and disastrous recommendation passed in order to win the next election. That we all know is true. That is an additional reason why our

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Government are not bound to implement that wicked decision which was not made on legal or moral grounds.

My hon. Friend the Member for Luton suggested that we should take a hand in implementing the decision, and that we should make it possible for the Commission to function. I do not think that it will be possible for the Commission to function, even if they ever go to Palestine, because the Assembly, by its wicked decision, has set the whole of Palestine aflame, with the possibility of setting the whole of the Middle East aflame. I do not know how the hon. Member thinks it is possible for us to make it possible for the Commission to function. He also suggested that we should let in the Commission before 15th May. If that is done, we know that the balloon will go up, and that we shall then be left to carry the baby. We shall have let the Assembly turn Palestine into chaos, and we shall be left there to keep order. It cannot be done. If this decision of the Assembly is accepted by the Security Council, and the United Nations try to enforce it, I predict—and my predictions on this subject since I came to this House have all proved to be realised up to date—that we shall then have war which will last 10, 20 or 50 years. The Arabs will not submit so long as their sovereignty is to be taken away from them.

I was a member of the Partition Commission. We sat for six months on this job, and we decided then that partition was utterly impracticable on every ground, strategic, economic, fiscal and other grounds, and, I would add, on moral grounds. It is quite unworkable. The reason I am opposing the Assembly's Palestine policy is because an unlawful, immoral and disastrous decision was made by the Assembly. The matter must be remedied by the United Nations organisation. The Security Council must refuse to accept that recommendation and U.N.O., through the Security Council or otherwise, must find a new solution to the problem. The solution which has been suggested will be disastrous to the Arabs and Jews and to Britain. I will repeat what I have said before: I am a much better friend to the Jews, as they are now beginning to realise, than the political Zionists. I wish I could persuade them to use their influence to get this recommendation of the Assembly rejected.

Mr. Lever (Manchester, Exchange): I understand that my hon. Friend, who is supporting the Government, believes that the Assembly decision was wicked and immoral. Will he tell the House what he would do if, as a loyal member of the United Nations, he accepted the decision and intended to implement it short of providing troops with which to do so?

Mr. Reid: I have been against partition or the setting up of a Jewish State for the last 10 years. I take no responsibility whatever for what the Government have done. What I suggest should be done now—and what I have said on this subject since 1938 has been vindicated—is to give independence to a Palestinian State. We promised the Jews a national home, and that has been set up; we promised the Arabs independence in Palestine and the Mandate envisaged independence after a period of trusteeship. That is the solution which I recommend to the United Nations organisation, and until that solution is accepted and adopted by U.N.O. there is no chance of a settlement of any kind in Palestine.

8.12 p.m.

Mr. Kenneth Lindsay (Combined English Universities): I rise to support strongly my hon. Friend the Member for Swindon (Mr. T. Reid). I think this is one of the saddest days in the history of this country and of the British Empire. We must share a good deal of the responsibility for what has happened. I have supported the Government on very many occasions, but I do not support them, and never have, on their Palestine policy. In fact, I think they have had no policy at all for the past two and a half years. Anyone who was in Palestine 18 months ago could see that chaos was coming. My hon. Friend the Member for Swindon knows far more about this matter, and what he has said in the past has been largely borne out.

The tactlessness of the Government's policy has been one of the chief things about it. I was in Palestine when the Transjordan Pact was made, which, at that time, quite rightly, offended a great many of my Jewish friends. Failure to do anything for the first year, before the Colonial Secretary was in office; failure to bring together Jews and Arabs who were, almost for the first time, united on

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a great many issues, especially economic issues during the war—these mistakes were made. The situation was getting steadily worse. Nobody went out to Palestine. I sat here with my late colleague, Miss Eleanor Rathbone, when the Foreign Secretary said, once again, that there was to be another Commission. She threw up her hands in despair, and nearly intervened, but thought that it was useless. Because the Government would not make up their minds after all the Reports, there was to be another Commission, this after the Peel Commission and all the abuse which was poured on Mr. Malcolm MacDonald [An HON. MEMBER: "And rightly."]. That may be, but the more one reflects on it now the more this Government are making the same mistakes.

There was the White Paper decision, on which I, as a member of the Government, abstained from voting—not a popular thing to do. That was clearly based on strategical considerations and the possibility of a forthcoming war. Now I detect the same kind of considerations. Nobody mentions strategy or oil, yet it is quite clear that these considerations have very heavily weighed with America. In America there could be found in hotels one group of people backing the Arabs, and all their interests, and, in other hotels, people backing the Jews. The decision reached by the United Nations—I was at Lake Success—reflects very little credit on the working of international machinery.

We could see the chaos coming. Now we have a Bill which is simply a "clear-out-at-all-costs" Bill, a "wash-out-hands" Bill. It is not a question of policy at all. I plead with my right hon. Friend, with his record in Colonial affairs behind him, to take a fresh initiative. His attitude in America was one of painful rectitude; at any rate, it was clear-cut. There was no mistaking where he stood; we were not going to back up a policy of partition. I have never believed that partition is possible. I may be in a minority. I am in a minority with Dr. Magnes and others who believe that if we had worked for a Palestine State, and put some energy into it, especially during the last two and a half years, we could have changed the situation. I believe that it is not too late. I am thinking of the great work of the

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[Mr. Lindsay:]

Jewish agricultural settlements in Palestine, which are now being guarded by soldiers, and many of which, I dare say, are now going to ruin. I am thinking of the 25 years' work that our officials have put in there; I am thinking especially of what they have done for education. I remember Arab villages, which collected thousands of pounds to build schools, while all that could be seen were vast barracks from one end of the country to the other. When I think of the record of our own officials, and the good will which was in Haifa even three years ago—I addressed a meeting of 50 per cent. Arabs and 50 per cent. Jews in Haifa—I do not believe that we can give up, that we can wash our hands of this matter.

There does not seem a great deal in this Bill; it is simply a machinery Bill for getting out of Palestine. It has been said that 100 per cent. of our people are in favour of our troops getting out. I believe that is true, but that does not mean that we have no further responsibility in Palestine. There is a great deal, quite apart from Jerusalem itself, for which I should have thought we should have some responsibility. I make an earnest appeal to the Colonial Secretary, to the Foreign Secretary, to the Prime Minister and to the Government to get together with the President of the United States and take a fresh initiative before a Holy War, which will never end, ensues as a result of present policy.

8.30 p.m.

Mr. Ivor Thomas (Keighley): After reading this Bill no one will be able to say that British policy towards Palestine has been determined either by oil or by strategy. It is clear that whatever the strategical advantage of Palestine, or the importance of oil supplies, all that has been ignored and His Majesty's Government are determined to cut our commitments in that country, which have cost us so much in blood and treasure. My hon. Friend the Member for Nelson and Colne (Mr. S. Silverman) failed to get an answer from my right hon. Friend the Colonial Secretary on the question of whether the United Nations scheme was practicable and workable. I hope that I do not rush in where an angel has feared to tread if, in my position of greater freedom, I give my answer that the United Nations scheme of 29th

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November is quite unworkable. Whatever emerges in Palestine this much is quite certain, that the scheme of 29th November cannot be carried out. What was that scheme? I quote from its heading: "A scheme of partition with economic union." It would no doubt be possible for the United Nations Commission to hand over nominal responsibility in the Jewish State to a group of Jewish leaders. They are tumbling over each other for the Cabinet posts in that State. But what is certain is that no Arabs will be prepared to accept responsibility from them, and, therefore, the Arab State will not come into force, and the scheme of economic union will not come into being. Therefore, the United Nations scheme of 29th November cannot be carried out.

Suppose it were practicable in that sense of the word. There is no means by which such a political scheme could be enforced. It may be a defect in the Charter, but it is certainly the case that there is no provision in the Charter of the United Nations for the forcible carrying out of such a political scheme. That is a discovery which the United States, in second thoughts, has made, and I believe it has quite rightly made. In reply, the Secretary General of the United Nations has, on legal advice, rested himself on the example of Trieste. I submit that there is no example there at all. The scheme for Trieste was agreed, although with much hesitation, it is true, but it has not had to be carried through forcibly, and it provides no parallel for what is now proposed in the case of Palestine. The only circumstances in which the Security Council are entitled to use force, and then only in a defined manner which cannot be carried out owing to the fact that Article 43 has not yet been fully executed, are if there is a threat to the peace. But the situation in which we find ourselves is that there will be a far greater threat to the peace if an attempt is made to carry out the United Nations scheme than if it is abandoned. There will certainly be fighting in Palestine. There is fighting in Palestine, and as one who has been there even more recently than my hon. Friend the Member for the Combined English Universities (Mr. K. Lindsay)—I have been there in the past few weeks—I say to my hon. Friends who have put their names to these Amendments that they are playing with fire.

The hon. Member for Swindon (Mr. T. Reid) has said that the Middle East is aflame, and that is no mere metaphor. If what is proposed by my hon. Friends is carried out, we must then face the more grievous and most lamentable consequences in the Middle East. I beg them to desist from their actions. We are told that in the interest of the prestige of the United Nations we must go through with all the consequences of this decision. Is that the case? I believe that the United Nations will suffer far greater loss of prestige from an attempt to carry out this decision than from its abandonment. The damage that can be done has been done already. Great damage was done on 29th November, both by the manner in which the vote was reached, and by the lightheartedness with which it was embarked upon, without any thought of the consequences.

The Colonial Secretary warned the United Nations time and again, and Sir Alexander Cadogan did the same, but their warnings were repeatedly ignored. That damage has been done and cannot be undone. I speak as one who, in certain circumstances, as the Prime Minister and Foreign Secretary well know, would have been prepared to support, with certain conditions, a scheme of partition. But of all the schemes of partition that I have seen, the one drawn up on 29th November is quite the worst. The United Nations then made a grievous mistake. Because it was impossible, so they said, to have a bi-national State in Palestine, they tried to create two bi-national States. Could absurdity go further? I submit that their best course in the interests of the United Nations is to retrace their steps, and I am bound to say that the Security Council appear to be doing that as rapidly as their legs will carry them.

There will be fighting in Palestine; it has already begun. In such circumstances what will a wise man do? He will not throw fuel on the flames, but he will try to limit the fighting in Palestine as much as possible by seeing that no outside help in persons or arms gets there, and eventually, after a period in which there will certainly be something approaching chaos, it may be that wiser counsels will prevail. The present leaders may have changed, and it may be possible to reach that accommodation between Jews and Arabs in Palestine which has hitherto

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eluded our best efforts. I have the utmost confidence in the Foreign Secretary in this matter. He pledged his reputation on solving this problem, and his words have been held up against him. Now I think that I can discern dimly how his pledge is going to be redeemed. I think that the United Nations should be grateful for the manner in which he has consistently pointed out the dangers in their policy. This is a melancholy day, but we have nothing to be ashamed of in our Palestinian record. The administration in Palestine, in my opinion—and I have had some experience—is collectively the finest body of men gathered together in the Colonial Service. The Palestine police is another remarkable body of men, and we have a national duty towards both the members of the administration and the Palestine police. I am happy to think that the Government have accepted that duty and are carrying it out.

Sir Patrick Hannon (Birmingham, Moseley): I rise to endorse everything that has been said by the hon. Member for Keighley (Mr. Ivor Thomas) about the quality, the character, and the spirit of self-sacrifice of our civil administration in Palestine, and, above all, of our troops and fighting men. I sympathise with the Secretary of State for the Colonies. He has had a most difficult task to perform, and his speech this afternoon covered a great deal of ground, but, he did not make clear to the House what is to be the situation in Palestine in the interregnum between when the Mandate ceases and some form of administrative machinery is created to govern the country. I foresee in these difficult times in Palestine not merely chaos and anarchy, but murder and bloodshed. I was sorry to hear the hon. Member for Swindon (Mr. T. Reid), who speaks with such authority on this matter, talk about the war extending over a long period of years. I hope that his prediction will not be sustained by the facts. Any hon. Member who followed the speech of the right hon. Gentleman this afternoon and heard the subsequent speeches must realise that the position in Palestine will have repercussions all over the world.

In his speech this afternoon, the right hon. Gentleman spoke about the special form of administration that will be created to deal with the Holy Places in Jerusalem. I tried to get from him—and I apologised

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[Sir P. Hannon.]
for interrupting at the time—some definition of how it was proposed to create that administration; how its personnel was to be recruited; what were to be the functions of the Government and what were to be its relations with other administrations in Palestine, both Jew and Arab.

The Christian community and the Jewish community throughout the world retain a profound respect for Jerusalem as the foundation of their great religions. They will be equally concerned about the safety of the Holy Places in Jerusalem. When the Minister of State replies to the Debate I would like him to tell the House how far he sees it possible, in the future, under the protective administration which is about to be provided under this Bill, for the Holy Places of Jerusalem to be kept, within the limits of possibility, free and secure. Their freedom and security must make an appeal to the whole world and the whole of modern civilisation. It would be sad to think, whatever be the outcome of this great change of administration in Palestine, that the one place in the world to which Christians, Jews and Moslems have turned for generation after generation should be desecrated and turned into a place of warfare in the future. I hope that some assurance will be given to the House that every conceivable step will be taken to safeguard Jerusalem in the future.

8.41 p.m.

Mr. Delargy (Manchester, Platting): I wish, in three minutes, to support the Amendment moved by my hon. Friend the Member for Luton (Mr. Warbey). Before I do so, I would remind my hon. and right hon. Friends on this side of the House that I speak as one who has in the main consistently supported the foreign policy of His Majesty's Government. I speak also as one who did not approve of the solution which was arrived at by the United Nations. I still prefer a federal State to a partition State, and even had I been favourable to partition, I would still have deplored the manner in which that decision was reached, a procedure which did nothing to enhance the prestige of the United Nations. Nevertheless, the decision to partition Palestine was taken, the decision that Britain should surrender the Mandate, and that a Special Commission be sent to Palestine.

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However much we disapprove of that, the decision is there, and there was no other. That being the case it was surely our duty, as one of the most important members of U.N.O., and also as the Power on the spot, to do everything we possibly could to make the transition as smooth as possible. We did not do that. Indeed, it seems to have been the policy of His Majesty's Government merely to defeat a policy with which they themselves did not agree from the start. So, when we come to leave in May, there will be nothing to take our place. Nothing is ready—no council of Governments, no international police force, no executives, no Jewish or Arab militia. There is absolutely nothing whatever to prevent the chaos and bloodshed which, in the opinion of everyone who has spoken in this Debate, is absolutely inevitable.

It is precisely because I believe that we are largely to blame for the almost certain catastrophe which is to follow that I wish to register a firm protest, and, if called upon, I will go into the Division Lobby to register my protest.

Major Beamish: The hon. Member spoke of the fact that there is no international police force. Would he tell the House what international police force he had in mind?

Mr. Delargy: I cannot say what international police force I had in mind. We have always been given to understand in this House that a force would be established by U.N.O. It was never properly defined; unfortunately, it was always spoken of vaguely. But since we have our obligations to U.N.O. we should have assisted in establishing such a force.

8.45 p.m.

Mr. Crossman (Coventry, East): In listening to this Debate many besides myself must have marked the contrast between the spirit of the Debates on the Second Readings of the Government of India Act and the Government of Burma Act and this sad Bill. In the case of India and Burma we could be proud of a great achievement of policy, which was recognised by the more farsighted Members on the other side of the House. Today, whatever are our differences of view about Palestine, there has been almost universal realisation on both sides of the House that the words of the

senior Burgess for Cambridge University (Mr. Pickthorn) are not an exaggeration. This is a terrible Bill, not for what is in it but for the very fact of its inevitability and what it implies.

To my mind it implies the end of 10 years of drift with regard to our Palestine policy. Both sides of the House fully share in this catastrophe. Indeed, it is divided into two halves. Just 10 years ago the Peel Commission proposed partition. There was an Arab revolt, there was a concession made to Arab force, and the disaster began. Now we are back again with yet another recommendation of partition, and another surrender to Arab force, and there are dupes who believe that that will be the end of the matter. We might look at the history of how the Tories found that paying Danegeld did not pay to realise that by doing it a second time we shall get the same result.

I have heard a great deal today to the effect that, "Well, it is not really our fault; the whole thing was impossible." It is fair to recall that there were two great opportunities which this Government failed to take. I believe that the first four months after this Government came into power were months in which a golden opportunity was presented for a settlement not only of the Palestine problem but of Anglo-Egyptian relations. I believe that under the full glory of that victory, when the Arabs were somewhat defeated by having backed the wrong side, if we had taken the opportunity we could have imposed a solution of the Palestine problem, and we could have negotiated a satisfactory treaty with the Egyptians, which would have led to other similar treaties with other members of the Arab League. That opportunity was not taken, and in history opportunities do not return.

Then came the second best, the opportunity, which was presented by the Anglo-American Commission, which provided, to the astonishment of the Commissioners, a unanimous Report. Looking back at that Report I must say that if it had been accepted and implemented by the British Government, despite the failure of the Americans to support it, we should not be as badly off today as we are. Of course, there were excuses for not doing it. President Truman was not prepared to do anything. But we would have been wiser,

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on our own responsibility, to have implemented that Report in its short-term recommendations and to have immediately referred the long-term policy to U.N.O. which, I think the hon. and learned Member for Daventry (Mr. Manningham-Buller) will agree, the members of the Commission expected that the Government would do. We waited a disastrous year in which relations deteriorated in Palestine. Why this Bill is tragic and terrible is because there is now no alternative to total withdrawal, to abdication, to going away and knowing that chaos will follow—for I think that hon. Gentlemen are not deceived by the legal figments of this Bill.

Hon. Gentlemen know perfectly well that we are not leaving behind us, to use the words of the Colonial Secretary, a new tenant or, if hon. Members prefer to put it another way, the new tenant is chaos. That is the new tenant to whom we have to hand over, to whom this House of Commons is assigning an area where for 25 years people have had the privilege of having British passports and of living under the protection of the British Crown. It is ridiculous to talk about there being anything glorious or successful about this. If we call that successful we are only deceiving ourselves. The rest of the world knows perfectly well that this is not success but a tragic and a dismal failure.

It is fashionable to look back after the event and to say that we should never have embarked upon the Balfour Declaration or upon this great experiment. I am not one of those who decry the vision of the great men of all parties of those days who saw, in the coming of the Jews to the Middle East, a possible solution of the relationship between Europeans and Arabs in that area, who saw that these people, if they came, if they developed the soil, if they brought their technical achievements with them, might get a better relationship with the Arabs than the oil magnates and the soldiers that the rest of the nations were exclusively sending to the Middle East. But not only the vision was sound. The achievement was miraculous, the achievement of the British, the Jews and the Arabs in Palestine. Never let us forget that it stands out in the Middle East as the only area where Arabs go to school and learn to use tractors. Do not let us think that it was all our doing. It was

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[Mr. Crossman.] we, and the Arabs, and the Jews working together in a tiny fringe of the Middle East, who created a tiny microcosm which might have spread over the whole of the Middle East and maintained the British name and power in the Middle East and sown the seeds of a new civilisation. That was no mistake, and no mean vision. I do not think that Balfour and Lloyd George and Arthur Henderson were less wise than some of their successors. They have been failed by those who came after them.

I would pay a tribute to the Palestine officials. They were not a perfect body of men. The Palestine Police, for instance, has its very seamy side, but I shall never forget certain outstanding members of the C.I.D. Oh dear, if only sometimes they had been listened to by the politicians. Of the Army I am thinking in particular of two generals whose magnificent conduct during the last two years has, on countless occasions, prevented more friction and bloodshed, and who have set an efficient example of how Englishmen should behave under intolerable conditions—conditions which no soldier or civil servant should be submitted to. They maintained law and order without any policy at all, and despite every difficulty under the sun set by the absence of a clear decision in London. That did not happen for the first time under the Labour Government. It has been going on since 1937. We drifted for ten years and so we come to the catastrophe that meets us today. We are faced by a breakdown of Anglo-Jewish relations in Palestine and elsewhere. Anglo-Arab relations are equally threatened. We have not won the friendship of one side; we have lost the friendship of both and we have gained the hatred of both.

Of course, it is not all our fault. There are four parties, the Arabs, the Jews, the Americans and the British. We can quite easily blame the American attitude. But I often wonder, if there had been three million Jews in London, whether some of the members of the Government might not have taken a slightly different view of the situation. Politicians are human, and it is a pity to throw stones, especially for a party which has made electoral promises. The Jews and the Arabs also have made tragic mistakes. No one on this side of

the House has been keener than I have to warn the Jews of the dangers of terrorism, and other hon. Members have agreed. The more we care about the Jews the more do we warn them against terrorism. In the second place, I would repeat to the Jews the warning I gave them in the last Debate, that anybody who says they do not need an international police force is a criminal. The last chance of good Arab-Jewish relations is if law and order is imposed by an international authority. It is difficult to blame the Arabs. Most of them cannot read or write. But it is a regrettable fact that the Arabs are headed by a war criminal, the Grand Mufti, who was responsible, with Himmler, for planning the gas chambers. His second in command, Fawji, was first in Iraq during the war, organising a revolt against us, and then in Berlin, assisting the Mufti. But we were the mandatory Power. We have the major responsibility, and we should not try to avoid it by saying it is some one else's fault. We are not a great nation any more if we do not take our responsibilities and admit our failures when they occur.

Now we have got to go. I would say only this to the Government. In going, let us try and go decently. Let us try and see that these last weeks make some atonement for the last nine years. I would make two suggestions, the first is co-operation with U.N.O. I thought that the Colonial Secretary made a very laboured attempt to suggest that all had been sweet and that we had done all we could to co-operate with the United Nations Palestine Commission. Surely, it is clear from everything he said that we have set conditions which would make it impossible, under any circumstances, for any Commission to establish its authority. We give them 14 days in Palestine, and then say: "Law and order ends, and there you are, all by yourselves to substitute for law and order." If that is co-operation and making their life easy, what would making their life difficult be?

The second point is that we have immense influence with the Arab League. Are we using that influence with real determination to prevent them feeling that they have the right and that they would not be wholly out of favour with us if they were a little active in Palestine? I have listened to some answers to Questions today, and on previous occasions, both by

the Minister and by the Parliamentary Secretary, and I was reminded of the time when the right hon. Member for Saffron Walden (Mr. R. A. Butler) used to stand up and make the same stone-walling arguments about Italian troops in Spain—"We have not heard of them, we have no reliable information." I would suggest that "non-intervention" on the Spanish War plan would be a very undignified way of leaving Palestine. We would need a good deal of subservience before we agreed to that being perpetrated. People may say: "We must give up all these principles because it is expedient for us to do so." But we do not win the respect of the Arabs by our policy in Palestine. The Arabs believe that we brought the Jews to Palestine and if we permit them to be massacred we shall be considered weak by the Arabs. The Arabs are not used to that way of treating friends, and I do not think we shall gain the respect of the Arabs by doing that sort of thing. We cannot end our responsibility by an Act of Parliament.

Nobody has mentioned Haifa. There will be a thin red line of British troops round Haifa. It is right in the middle of the Jewish State. On 15th May comes the end of the Mandate. What happens to the Haifa refineries? Are we going to sail away and watch them go up in flames. Are we going to depart in the middle of a Jewish-Arab war and do nothing about it? I would like to know what is actually going to happen? Are we going to find, after all, a Chanak situation developing in which we cannot get out? I suggest that we need peace in Palestine as much as the Jews and the Arabs. We need a solution which will enable our troops to withdraw. It is stupid to believe that we can get out by making a decision to withdraw and passing a Bill.

One hon. Member said we must show unity and that it is a terrible thing for hon. Members to criticise the Government about Palestine. I would say that unless some hon. Members, both on this side and on the Opposition side of the House had said things which have been said tonight, tomorrow British prestige would be a great deal lower. Unless we maintain the reputation of this country for free criticism, we have not a leg to stand on in attacking Russia for the absence of it. Anyone who has any integrity will vote for this Amendment. [Interruption.]

What I mean by integrity is keeping promises. We have no leg to stand on in accusing others of totalitarianism—if people here do not get up and say something, when they find things going on which they think to be improper and unjust—whether rightly or wrongly. If we do not get up and say what we think we have not got a democracy, and we shall not have the respect which a democracy deserves.

9.0 p.m.

Mr. Manningham-Buller (Daventry): The hon. Member for East Coventry (Mr. Crossman) signed, as I did, just two years ago, a Report upon Palestine, and I must say that I find myself in agreement with a great deal of what he said at the beginning of his speech this evening. I do not agree at all with his final observation. Indeed, it seemed to me that his speech contradicted itself. He started by saying, "Let us accept the inevitable; we must go; the Mandate must be ended." Then he said that only those who believe in integrity could vote against this Bill which would result in continuing the Mandate and not giving it up. Perhaps I may be a little bit dense after sitting here for the greater part of the day, but I must confess that I do not follow the logic of the hon. Member's conclusion.

I agree with him, and with so many other speakers in this Debate, that this is the end of a chapter, or indeed a period, and end which is inglorious and disappointing, where if we look round to see in what we can take glory and pride, we find that we can only take pride in the efforts we have made to achieve the object, and glory in the conduct of British troops and British civilians in Palestine in the performance and fulfilment of their duty. But apart from that, this is a terrible and disappointing occasion. Under this Bill our rule of Palestine will terminate on 15th May, and our jurisdiction will end with that country under the shadow of war, with the threat of destruction over all that has been achieved both by Jew and Arab under the cover of our administration. I agree with the hon. Member for East Coventry that a tremendous lot has been achieved by both communities, and our administration has played no small part in their achievements.

We leave that country now with Jew and Arab in bitter animosity. How

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[Mr. Manningham-Buller.] different were our hopes. Did we not hope that when the time came to give up our responsibility we should leave with Arab and Jew living in peace, friendship and prosperity? How different is the reality. How far removed from reality, if I may say so, were so many portions of the speech of the right hon. Gentleman the Colonial Secretary. We discuss this Bill tonight against the background of the decision of the United Nations for partition, and while the permanent members of the Security Council are considering the implementation of that decision. Amidst the haze of controversy and of so many speeches, one thing emerges clearly. It is that this country has no alternative but to give up the Mandate. We on this side of the House think that, in the way things have turned out, it is right that we should give up the Mandate. Therefore, we shall not oppose the Second Reading of this Bill.

Great Britain has done her share—indeed, more than her share. I take the view that we should have given up the Mandate before now. If we had done that, the decision of the United Nations, the attitude of America, would not have had to be determined in a year of a Presidential Election. What has been gained by the delay in giving up the Mandate? I do not agree with the hon. Member for East Coventry in one respect. He said that there were two opportunities of securing a settlement since the General Election of 1945, the first within the first four months of the formation of the Socialist Government. There may have been that opportunity, I do not know; but then he said that if Great Britain had sought to implement our Report alone without American support then, again, settlement might have been effected. I do not agree with him. I do not think that it was at all possible for Great Britain to implement that Report by herself in the face of the activities which we know go on in America and elsewhere, and the attacks made upon this country from those sources. This Report could only be carried out—and I believe that it could have been carried out—by the united efforts of the United States and the United Kingdom. There I disagree with him, but I say that when this Report was not accepted in its 10 points by President Truman, then was the time when we should have referred the matter

forthwith to the United Nations and given notice in advance of a date when we should give up the Mandate.

Why was that not done? I feel that would have been the right policy. I consider that the reason it was not done was because of a combination of obstinacy and of misplaced optimism, and the refusal on the part of His Majesty's Government to believe that the Socialist Party could fail to secure agreement between Jew and Arab when nearly everyone with a knowledge of the situation in Palestine thought that agreement was impracticable and impossible to obtain. What has been gained by that delay? What would have been saved if that delay had not occurred? British lives, British prestige, would have been saved. It would have been a great advantage to this country if that course had been taken. It would greatly advantage the country if the Government did not so often delay in taking the advice of my right hon. Friend the Member for Woodford (Mr. Churchill) which he gave on this matter. [Laughter.] It is no use laughing. The right hon. Gentleman gave advice on this matter two years ago. I suggest that his advice on foreign affairs is worthy of consideration.

This Debate has covered a wide range. Rather to my surprise we got from the hon. Member for Gravesend (Sir R. Acland) a journey to Manchuria; but really the speeches can be divided into two categories. First, there have been the attacks upon the Government by those elected to support this Government. I appreciate their difficulty in refraining from attacking the Government on a number of occasions. It is a temptation to which I have often fallen—but not tonight. Second, there have been the speeches made with a feeling of deep anxiety and concern, searching for information from the Government, information which, so far, has not been forthcoming. I hope that in the endeavours of the right hon. Gentleman to meet the attacks made upon the Government by their supporters, he will not omit to give the information which is so anxiously desired.

The attacks, and I do not propose to spend much time in dealing with them, have taken two forms. First of all, the accusation of a breach of pledges by the Government—pledges given by the Socialist Party before the last election.

Of course, that is indeed embarrassing, and I think there can be no doubt that these pledges have not been fulfilled. It would ill become any Member of the party opposite in the circumstances, however, to suggest that any other country was using Palestine as a pawn in domestic politics. There is one serious result, in my view, from these pledges which we cannot ignore. We refer to it in this Report which the hon. Member for East Coventry signed, and in which we said:

"When the war ended and a Labour Government came to power, the White Paper still remained in force. The Jews, who had expected an immediate fulfilment by a Labour Government of the Labour Party programme with regard to Zionism, felt a sense of outrage when no change of policy occurred. Bitterness reached a new peak of intensity, and the position of the moderates became almost impossible."

I think that these pledges had played a very great part in making it difficult to secure a peaceful settlement in Palestine.

Then there are those who say that they will vote against this Measure, on the grounds stated by the hon. Member for Eton and Slough (Mr. Levy), that the Government have not facilitated the United Nations. Of course, if their votes were to be successful, it is worth considering what the effect would be. It would be that the Mandate would continue—[Hon. MEMBERS: "No, no."] Yes, indeed, Under this Bill, the first Clause provides that the jurisdiction of His Majesty shall be given up on 15th May.

Mr. S. Silverman: The hon. and learned Member surely appreciates the very great difference which has always been attached in this House to a plain vote against the Second Reading of a Bill and a vote for a reasoned Amendment. That is why we have a reasoned Amendment, so as not to have attributed to us the interpretation which the hon. and learned Gentleman is putting upon our actions.

Mr. Manningham-Buller: I have read the reasoned Amendment, and I shall leave it to the right hon. Gentleman opposite to deal with the reasons advanced. I am entitled to point out to the House what would be the effect of a vote against this Bill resulting in the rejection of the Bill. It is a point which we on this side of the House have had to consider. We have had certain criticisms to advance with regard to the conduct of the Government, but the effect of

declining to give this Bill a Second Reading must be that His Majesty's jurisdiction in Palestine is not terminated on 15th May.

Mr. Warbey: Will the hon. and learned Gentleman allow me? Surely, the effect of carrying the Amendment, if it were carried, would be that the Government would be refused this Bill, and would have to produce another which would take into account the decisions of the United Nations?

Mr. Manningham-Buller: I say that the effect of this Motion to reject this Bill would be that a Bill for the termination of the Mandate would not be carried. [An Hon. MEMBER: "They could bring in another one."] I am not answering for the Government. So far as we are concerned, the effect of voting against this Bill would have that consequence, and we are not prepared to vote that the Mandate should carry on, that British rule and British administration should be continued in Palestine, when it is not wanted by either Jew or Arab in that country. We are not prepared to vote that the Mandate should go on, and that British lives should continue to be lost—

Mr. Mikardo: Nobody is asking the hon. and learned Gentleman to do that.

Mr. Manningham-Buller: That will be the effect, in my opinion, of voting for the rejection of this Measure, whatever the ingenuity of the argument. Though we have criticised this Bill, we cannot vote for that. The vast mass of the people of this country, in my belief, want the Mandate terminated, want our people to leave Palestine and want these great sacrifices and burdens which we have borne terminated at the earliest possible moment. I would point out, in this connection, that it is a recommendation of the United Nations that the Mandate should be terminated as soon as possible, and, if this Bill is not carried, then those who vote against it in trying to secure that it is not carried will be flouting the United Nations.

Mr. Mikardo: I am sure the hon. and learned Gentleman would not want consciously to be unfair to those who support the Amendment, but he is being unfair, in view of the fact that everybody who has spoken in support of the Amendment

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[Mr. Mikardo.] has agreed on the desirability of ending the Mandate by 15th May, if not sooner, and that, in fact, there was no different view on that point in the House all day.

Mr. Manningham-Buller: That seems to make their conduct in voting against the Bill even more remarkable than it appeared before. But I propose to leave it to the right hon. Gentleman to deal with this point; it is not really within my province. I only express my own view and wish to explain the reasons which prompt me not to support their action in seeking to secure the rejection of this Measure.

I now come to the other part, the desire for information. All sides of the House are concerned with what will happen after 15th May. The right hon. Gentleman was really not at all clear or satisfactory in his speech with regard to that. He has given us no information as to why the date of 15th May is not in the Bill. I fear that the omission of that date may open the door to increased pressure on His Majesty's Government to postpone the date of our departure. I hope we shall be told by the right hon. Gentleman when he replies that he will accept an Amendment to put into the Bill "not later than 15th May" with regard to the surrender of the Mandate. If he does not do that, then I hope he will at least give us an explanation of why he is not prepared to accept that important Amendment.

One thing must now be clear. It is that some force is required in Palestine after 15th May, not just for the enforcement of a policy, but for the maintenance of law and order. The real question for decision at this moment—which is no doubt being considered across the other side of the ocean—is where is that force to come from, and who is to provide it? That is the vital question affecting the Palestine problem at the present time. I should have thought the possibility of training, organising and transshipping to Palestine by 15th May an international force of the size required solely for the maintenance of law and order was extremely remote. If there is no prospect of securing the presence of that force in Palestine at the time when our jurisdiction ends, then it seems to me that increasing pressure will be put on us to try to maintain order pending the arrival of some force after 15th May. I hope

the Government will make it clear that, under no circumstances—they have already said so, and I hope they will take this opportunity tonight of saying it again—will we yield to any such pressure, and that under no circumstances—and it will be an unpleasant policy to which to adhere—will our troops intervene to save Jewish or Arab lives outside the area which we occupy after 15th May, because that is the conclusion which follows from the Government policy. If after that date there is complete disorder, I think it will be a direct consequence of a decision made as to policy without sufficient regard to its implementation.

The right hon. Gentleman the Secretary of State said proudly that we should leave the legal position straight, and that we should leave the house in order for the incoming tenant. That was an expression which I am sure he regrets. But is it really a matter in which we can take much pride, that the legal position should be left straight? Probably the legal position was perfectly straight when the Roman Empire collapsed. I should have thought that was little cause for jubilation. But the Secretary of State really did not make the legal position clear, and it was only when we had the intervention of the Attorney-General that the point which I consider of great importance was made clear to me.

I had thought from what the right hon. Gentleman said on 11th December that we were going to maintain law and order and be responsible for the areas which we occupy after 15th May. Today we are told, quite rightly, that there is the inherent right of exercising such force as is necessary to protect one's own troops, but we are also told by the Attorney-General that quite apart from British people exercising these rights for protecting British troops and for securing our withdrawal, the whole of the areas we occupy will be subject to the jurisdiction of the Commission, so that operating within those areas there will be two systems of law.

I should have thought it would have been much more satisfactory if we could have arranged with the Commission that in the areas which we continue to occupy our writ alone should run. In any event, is there not a great deal to be said now for announcing what zones we shall occupy after 15th May? There may have

been security reasons against referring to them in December. Do those reasons exist today? Is there not something to be said for letting British civilians and civilians of other nationalities in Palestine know that if they get into these areas they will be at least within areas which British troops will be occupying after 15th May? Is there not something to be said for declaring in advance that if violence takes place between Jew and Arab in these areas there will be British intervention? I should have thought there would have been.

In that connection I want to know if the Holy Places, in Jerusalem and Bethlehem, will be included for any time within that zone. One of the most important statements which the right hon. Gentleman made in moving the Second Reading was in relation to the gap between 15th May and 1st October when, apparently, the Holy Places will be left without any protection whatsoever. That is a prospect which no Christian can view with any degree of equanimity, and I hope the Government will give a lead on behalf of the Christian world.

What is the legal position with regard to prisoners? What is to happen to the Jews and Arabs who within recent months have been sentenced for crimes of violence against British troops, civilians and property? Some of them may have been given life sentences or long terms of imprisonment. On 15th May are they all to be released? Should not there be in this Bill a provision to ensure that they will serve their sentences, if necessary outside Palestine? Unless we can get some assurance on that important point, any terrorist will know that no matter what sentence of penal servitude a court may impose, he will only have to serve it up to 15th May.

I view the Second Reading of this Measure with sadness and sorrow—sorrow at the prospects in Palestine. The first essential if peace is to be maintained in Palestine is the presence of some third force. If we have any third force, international or from another country, then any solution becomes possible. But no solution, whether it be cantonisation, partition or in any other form, becomes possible except with force, unless we can secure agreement between Jew and Arab. There is no ingenuity of thought which can find an easy way out, and no easy way that skill and cleverness can devise.

What of the future? I do not know whether reconsideration of the question of partition might lessen the tension. I cannot regard reconsideration in itself as an admission of bankruptcy of statesmanship, but I do hope that perhaps the Arabs may come to realise the unity of the Jews throughout the world on this matter. I also hope that the Jews in Palestine—and I think there are certain signs of it—may come to realise the strength of the Arab opposition. If they do, even at this late hour, I feel there is a possibility, remote though it is, that if they realise the terrible alternative that confronts the country in the absence of a force to maintain law and order after 15th May, if they realise what will follow, there is a very faint chance that something might be done to avoid the consequences which I think everyone who has spoken in this House tonight so sincerely deplores. The responsibility of the United Nations is heavy, and I would like to conclude with this quotation from "Omar Khayyam":

"The Stars are setting, and the Caravan starts for the Dawn of Nothing—Oh, make haste."

9.27 p.m.

The Minister of State (Mr. McNeil): This is a subject which has divided this House sharply and not always impartially, and, therefore, it is to be expected that people will commit themselves with extreme sincerity—as I am always anxious to admit to some of my friends, with whom I disagree—to slightly extravagant language. I might be pardoned for saying to my hon. Friend the Member for East Coventry (Mr. Crossman) that, of course, there is always a difference between sincerity and self-righteousness.

Mr. Mikardo: Tell it to the Foreign Secretary.

Mr. McNeil: Most speakers today have avoided the extravagances of language frequently associated with such deep motivation and I hope, too, not to fall into that error. The hon. and learned Gentleman put two points to me, one of which I thought had already been dealt with by my right hon. and learned Friend the Attorney-General—the point concerning our Forces, and our personnel of all kinds, being responsible in the last stages of the withdrawal to two sets of laws. I am sure that it would be desirable, if possible, to avoid that, but I am assured

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[Mr. McNeil.] It is by no means unusual and it has, in fact, happened quite recently in various areas which we have been occupying or where we have been discharging a rôle.

A much more serious question was when he asked me to say what would happen to the prisoners. I have not a note beside me, but I am quite clear in my recollection that this naturally has been discussed with the Commission, and we have made provision that Jewish prisoners would be transferred to Jewish areas and Arab prisoners to Arab areas. It surely would be plain that the authorities who follow on in those areas would, in their own interests, ensure that their State was protected by retaining in prison the people they thought—

Mr. Manningham-Buller: Does the right hon. Gentleman seriously suggest that an Arab prisoner, handed over to the Arabs after attacking British soldiers and being sentenced to serve, say, 15 years penal servitude, would be retained by the Arabs for the duration of that sentence?

Mr. McNeil: I am suggesting that if there are responsible authorities taking over, as we hope, they will be alive to the responsibilities and to the dangers. [Interruption.] It may be the view of the Opposition that when, if ever, they take over Government they will instantly release people who they think may embarrass them.

Mr. Manningham-Buller: That was not the point. As this is an important matter, perhaps I may put it another way. Is the right hon. Gentleman seriously telling the House that after 15th May Jewish terrorists who are now serving sentences, or who may be sentenced before 15th May, will be handed over, for instance, to the Jewish Agency?

Mr. McNeil: I cannot say more than I have already said. It would obviously be courting trouble, it would be exceeding all our obligations on the subject, if we transferred the Jewish persons to the areas which the Arabs are scheduled to take over.

Mr. Manningham-Buller: I did not suggest that.

Mr. McNeil: If the hon. and learned Gentleman does not suggest that, what else does he suggest?

Mr. Manningham-Buller: I can answer that question easily. We should adopt the course we have suggested in the past, that those sentenced for criminal offences should serve their sentences, if necessary, outside Palestine.

Mr. McNeil: The hon. and learned Gentleman, of course, is on a subject on which he has already made a reputation, and I have no doubt that his law is better than mine; but I should be surprised to learn that this Government would have powers to bring Palestinian citizens to these islands, to our prisons, to complete their sentences here. At any rate, these discussions are proceeding with the Commission, and the Commission, of course, are the people who have to assume the next stage in authority. We shall be anxious, as far as is consistent with our powers, to meet their wishes upon the subject. We have shown concern with everyone else on this subject, but we cannot continue to embarrass ourselves, and to take highly unusual steps which would need additional powers, to complete a story which we really are willing to leave behind us.

Mr. Harold Macmillan (Bromley): What about the safety of our men?

Mr. McNeil: The right hon. Gentleman knows that we have at all times been anxious to face up to our responsibilities in defending these gallant men, and in pursuing the people of either side who attack them.

Mr. Macmillan: The Government have shirked it for two years.

Mr. McNeil: The main questions discussed in the Debate have turned, from the opening speech onwards, on the two related subjects of the maintenance of order internally and the possible threat to peace externally. The right hon. Gentleman the Member for Saffron Walden (Mr. R. A. Butler) put those points to me. The two questions are related in law, but they are quite distinct in administration. As I understand it, Mr. Trygve Lie has said, in effect, that the Security Council has a right to deploy a police force to maintain law and order in a territory—which in this case is Palestine—over which the United Nations' instrument is exerting its authority. Senator Austin, however, on the other hand, has said something very different. He has said that his Government, as they interpret the facts of the

Charter, think the Security Council would be empowered to provide a force if there were a danger to peace, but, presumably, not to deploy such a force for the maintenance of internal order.

It is true also, I should admit to the House, that the committee of four permanent members, set up as the result of the deliberations of the Security Council, have asked us whether in our view the Palestinian situation is a threat to international peace. On both these subjects, the internal and the general subject, we have offered no opinion. We have withheld our opinion because, as my right hon. Friend has said from the beginning of the negotiations, it was essential, because of our best endeavours having been previously suspect, that we should, as it were, remain above the battle and not commit ourselves to opinions upon these subjects.

Mr. S. Silverman: Is my right hon. Friend really saying that the Government would be taking sides in this issue by offering an opinion, (a) on the question of fact whether or not there was a threat to peace, and, (b) on the question of law whether or not a police force would be right to operate?

Mr. McNeil: My hon. Friend knows very well that an opinion upon that subject does not depend upon fact, but upon an interpretation of fact.

Mr. Silverman: Well, politics.

Mr. McNeil: It depends upon an interpretation of fact, whether it is a politician, a judge or a soldier who is making the decision. Indeed, before the Security Council, we shall probably see different Governments and different peoples giving different interpretations to the same set of facts. At any rate, if the Security Council does not behave in that fashion this time, it will be for the first time. Therefore, His Majesty's Government have instructed our permanent representative to indicate to the Committee of Four that we will supply any facts in our possession which they want in order to try to arrive at that decision, but that we will not attempt an interpretation of those facts.

Mr. Warbey: Will the Minister answer the question which I put to him: Do the Government intend to report to the

Security Council the breaches of peace which have occurred by Arab incursions into Palestine, as a matter of fact and not of opinion?

Mr. McNeil: My hon. Friend knows, and the House knows very well, that on whatever questions have been addressed to us on this subject, either by the Commission, the Assembly or its Committees, or by the Security Council, we have returned a full factual answer. However, later I will deal with another point which my hon. Friend made upon this subject.

I was asked by the hon. and learned Member for Daventry (Mr. Manningham-Buller) if I could give some details about the state of our withdrawal, particularly in relation to Jerusalem. I am told that for security reasons it still is important that I should not attempt to give any details in reply to that question.

It is perhaps relevant at this point to address myself to the question asked of the Colonial Secretary, as to what he meant by saying that we would maintain order in the area which we occupy between 15th May and 1st August, and the allied question in regard to his statement that we would take no part in quelling civil disorder. It would seem to me that the answer has already been made plain. The fact is that after 15th May we will take only such action and such steps in the maintenance of law and order as are necessary to facilitate the completion of our withdrawal. There is the principle which we will attempt to apply to this business of internal order. Obviously, it is impossible to draw a precise line, but that is the principle and kernel of our intention. The House will appreciate, as more than one hon. Member pointed out, that if we depart from that intention and principle we shall find ourselves involved in an infinite regress. If we permit ourselves to become involved in further responsibilities of that kind for the affairs of Palestine after 15th May we should find ourselves increasingly entangled. I have no doubt that some of our critics and some of those who have from time to time urged that we should evacuate would be greatly relieved to see us entangled in such a fashion. We must now extract ourselves, or Palestine will continue for an indefinite period to drain away our resources and to lead us from crisis to crisis without hope of final settlement.

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[Mr. McNeil.]

I was asked about the non-insertion of the date of termination of the mandate in the Bill. I am told by my right hon. Friend that if we are pressed in Committee on this, we will accept an Amendment after the fashion suggested. This non-insertion in the Bill simply means that we had hoped to leave ourselves a little leeway, so that if things had gone smoothly we might have come out a little sooner—a special form of words in the Bill would have met that case. The non-insertion of the date in the Bill does not mean in any way that the Government are departing from the principle which they have laid down again and again in this House and in the negotiations in New York, that our Mandate must terminate not later than 15th May.

I was asked one other point about the position of British subjects and property concessions inside the country after the termination of our Mandate, and of our proposals for representation. I think it is plain that we should have as good a title as any other member of the United Nations to demand of the Commission, in that interim period, that they should attend to our interests as far as lies in their power. But, in addition, we have made draft plans for representation inside the territory. Perhaps I may be excused from going into details on that just now, because much will depend on how the situation unfolds. The House may be assured that, most properly, His Majesty's Government will continue at all stages to be concerned for British subjects and British property inside the State or States.

One detailed question was asked about concessions. Members will find in the United Nations plan, in the section dealing with finance, that concessions granted before 15th May remain valid and are quite clearly provided for.

The hon. Member for Moseley (Sir P. Hannon), together with other Members, asked very pointedly and understandably about the position in Jerusalem and in the area of Jerusalem. The Government, of course, share the concern which has been voiced on all sides of the House on this point. Our representative on the Trusteeship Council has been pressing and continues to press and to urge the importance of the early appointment of a governor for this area. Again, we have not suggested any names because it seems better

to us that our intentions should not be suspect. Our representative has tried to push this subject forward on the Trusteeship Council. When appointed, the Governor will have power to organise a non-Palestine police force so as to ensure the safety of the city and of the area.

Mr. S. Silverman: Where would you get them?

Mr. McNeil: From many places. We have already indicated to the Security Council that British members of the force, splendid and courageous fellows, are already prepared to volunteer for that job. Meanwhile, we have encouraged conversations, which are already proceeding, between representatives of the various communities in Jerusalem with a view to proclaiming a truce in the city itself.

Sir P. Hannon: What sort of contact will be maintained between the new administration in Palestine and the two States formed out of the reconstruction of Palestine, with the administration in this country? What kind of influence can be exercised by the Western nations with a view to securing the safety and welfare of Holy Places during the development of Palestine?

Mr. McNeil: The hon. Gentleman will remember the scheme which we have upheld in principle, to make the city and area of Jerusalem and Bethlehem an international concern. There will be no peculiar relationship between it and the Government of this country, but the Government are represented on the Trusteeship Council. It would be, as I am sure the House would agree, an international concern, not at the mercy of any one Government or of any one section or faction in a Government.

Mr. R. A. Butler: What happens if the Commission do not arrive in Palestine by 15th May, which was a contingency referred to by the Secretary of State?

Mr. McNeil: Does the right hon. Gentleman mean the relationship to Palestine?

Mr. Butler: Yes.

Mr. McNeil: I prefer to address myself to the point in relation to Jerusalem. We must proceed on the assumption that the Commission will get there. It is a tricky,

difficult and involved legal question as to what the next step would be if they did not, but we are planning our activities on the assumption that they will get there. In relation to Jerusalem we feared that we might not have a non-Palestinian police force recruited under a governor in time. We therefore pursued these conversations, hoping that there would be a truce. Any one looking at this matter now will agree that in view of the shortness of time the safety of the city, with all its associations, will depend on the behaviour of its 200,000 inhabitants. There are two small police forces, but they are not co-ordinated. There is a Jewish and an Arab police force, and there is still the possibility of a truce. It is the responsibility of the citizens there. That, I fear, must be our main hope at the moment.

The main charges laid against the Government by those who moved and supported the Amendment were really twofold. It has been suggested that in our partiality we have sought to impede the implementation of the recommendations. That is not true. No one has offered any evidence of any deliberate act to frustrate or impede. It has been explained again and again to the House that His Majesty's Government laid down certain conditions from the beginning, seeing that it was only if agreement took place that we could take part in implementing it. We have said again and again that we could not be partners to seeking a solution on Palestine.

One of my hon. Friends, I am sure in an unguarded moment, made a cruel and quite unjustified reference to my right hon. Friend the Secretary of State for Foreign Affairs. He said that everyone knew that my right hon. Friend was against partition. That is not so. That is neither true of him nor of the Government. What my right hon. Friend the Colonial Secretary said at the beginning of these negotiations was that what we sought was the basic condition which we knew could alone contribute to success, that was agreement.

Mr. S. Silverman: Will my right hon. Friend say in plain terms now, the United Nations having recommended partition without any advice either way from us, do His Majesty's Government accept that or reject it?

Mr. McNeil: I am sure that if I were in the witness box my hon. Friend could

make a mess of me. There is no ambiguity about the attitude of His Majesty's Government—[HON. MEMBERS: "Oh."] There is no ambiguity, there is dissatisfaction because I will not reply to a question with "Yes," or "No." But it is a question which it has not been possible for 30 years to answer with "Yes" or "No."

There is no ambiguity about the attitude of His Majesty's Government. From the first, my right hon. Friend the Colonial Secretary laid down the conditions under which we would take part in implementation. What my hon. Friends around me have been asking is not for implementation but for enforcement. If a solution could have been enforced in Palestine, we should have been in a position to achieve such a solution, at the time before the United Nations was in operation. We know, however, from our extensive, bitter and sad experience, that a solution cannot be enforced in Palestine. That is a quality, a characteristic of failure, not of solution. If enforcement is to be sought then it will be a failure.

We know that it is easier to recover from the dreadful effects of international war than from the more dreadful and pursuing effects of civil war. Those who, in my submission rashly, urge enforcement at this time, are not the friends of Jewry, or of the Arabs, or of Palestine or of the United Nations. They are seeking to burden all these four elements with enduring, crippling, sharp and bitter conflict such as we have seen in Spain, which we can see in China just now and which is the essential condition of continued difficulty in Greece. Therefore, His Majesty's Government, reflecting upon their experience, considering the facilities at their disposal, have made it plain that if there were agreement, and only if there were agreement, would we take part in implementing such proposals for Palestine.

The other criticism is that we have been less than a good member of the United Nations by our behaviour. That is not true and cannot be sustained. Indeed, I can point to our activities in the Trusteeship Council, where we have been pushing on and urging the other people to move. Consider the situation just now. It is not we who have left the Committee of permanent members divided sharply into two factions. It is not we who have forced the Security Council to the other methods. It has never been we who

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[Mr. McNeil.]

have refused information or facilities to the Commissioners, or, at an earlier stage, to the Committee.

My hon. Friend the Member for East Coventry, whose knowledge of this subject I would not attempt to match, used a cruel and mischievous phrase when he suggested that our attitude towards Palestine had been like the attitude of a previous Government towards non-intervention in Spain. There is no parallel at all. Surely, the story of Government after Government in this country has been not of non-intervention but of intervention, in terms of people, of sacrifice and of funds which no other country would have attempted to carry. Grants in aid, leaving aside our military expenditure altogether, represent some £13,740,000. Our loss of life, which is a different kind of calculation, is great. There must be few hon. Members who are not experiencing in their own constituencies the results, not of our non-intervention, but of our continued, dignified and noble intervention in this sad country of Palestine.

The hon. and learned Member for Daventry said that he disagreed with the Member for East Coventry, and he reproached us for not throwing up the Mandate, when President Truman repudiated the recommendations of the Anglo-

American Committee. Is it to be counted the fault of this Government that at that time we made one more effort to find an award, to find a settlement, to find agreement, after all our efforts, all our spending and all the endeavours and experiences of valiant British men and women in Palestine?

Those who vote against this Bill tonight, and they will be few, certainly cannot be voting because Great Britain has not done enough in Palestine. We have failed, and we must confess our failure. Beyond doubt when the historians come to look at our record of administration in Palestine, they will find many errors, and I hope that they will learn from those errors. But when mandatory administration takes place in other territories, as I hope and believe it will, the people responsible for such administration will come back again and again to look at the disinterested, farsighted and, in many ways, noble behaviour of British subjects who have sought to discharge that Mandate in Palestine which we now formerly relinquish in this Bill.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided: Ayes, 240; Noes, 30.

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E

E 3633

1948

PALESTINE

18 MAR 1948

Registry Number E3633/8/31

FROM R. F. Wood.
Ministry of
Defence

No.

Dated to Mr. Roberts.

Received 11th March
in Registry 18th "

Disposal, of stores in Palestine to Central
Purchasing Agency.

A conference attended by representatives of,
Foreign Office, Colonial Office, War Office,
Ministry of Supply and Treasury generally approved
scheme of bulk sale of stores etc in Palestine
to an organisation described as the Central
Purchasing Agency, acting on behalf of the Jewish
Agency. It was agreed that representatives should
submit the matter to their respective Ministers.

Last Paper.

3443

References.

(Print.)

(How disposed of.)

(Minutes.)

In P.P. 80. bound. N.O. Watson 75872/159/9/47/PAL
to R.F. Wood M/Defence 16/3
17 Mar. 17

See M/S's letter to M.

Defence on E 3290

S.L. Dept.

JB Mar. 19

In P.P. S.M. Wilson M/Supply to R.F. Wood 15/3
W.O. W. 09661 to FIXETS CAIRO 15/3
M/Defence bound 12/0 Mar 208

JB Apr. 15

In P.P. HQ Troops Police Lt ADM/1027 11/4

S.L. Dept. M/S 20.11.

JB Apr. 17

In P.P. 8. HQ MARS Lt OPRON 9 M/2 17/4

JB May 5

(Action
completed.) -

4/11/4

(Index.)

25/4/4

Next Paper.

3651

26513 F.O.P.

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Tel. No. : Whitehall 7000

MINISTRY OF DEFENCE,
GREAT GEORGE STREET,
S.W.1

Dear Roberts,

An organisation described as the Central Purchasing Agency, acting on behalf of the Jewish Agency and other Jewish organisations in Palestine, has recently approached the British authorities there with a proposal that they should buy in bulk all the remaining British installations, land and surplus stores in a defined area which would be, I understand, that laid down in the Palestine Land Transfer Regulations of 1940 within which Jews are free to buy land. The Agency offers 20% in dollars and the balance in sterling, but there is some hope that, in negotiation, the percentage to be paid in dollars may be increased.

Apart from the financial terms there is much to commend the proposal from the purely disposal point of view. In particular it gets over the present great difficulty of protecting installations and stores from pilfering, because the Jews would move in and guard installations and storage areas as we move out. It has been recommended accordingly by the disposal authorities in Palestine, and also, subject to certain reservations about installations on land in Arab ownership, by the Palestine Government.

F.K. Roberts, Esq.

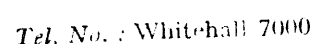
36

for obs for submission to the S/S
Pa 11/3
11th March, 1948.
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MINISTRY OF DEFENCE,
GREAT GEORGE STREET,
S.W.1

At a recent conference attended by representatives of the Foreign Office, Colonial Office, War Office, Ministry of Supply and Treasury, the scheme was generally approved in principle (the Foreign Office representative reserving his position), and it was agreed that the representatives present should submit the matter to their respective Ministers, and that my Minister should invite their comments as quickly as possible. We can consider in the light of these comments whether further interdepartmental discussions are necessary, or whether, subject to any points of detail which may be raised, the authorities in Palestine can be authorised to pursue negotiations.

Accordingly, I should be most grateful if you could let me know as soon as possible whether your Minister has any comments on the question.

I am sending copies of this letter to
 Trend (Treasury), Watson (Colonial Office),
 Drew (War Office) and Wilson (Ministry of Supply)
 so that each may have the chance to consult his
 Minister on this.

Yours sincerely,

Richard L. Wood

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75872/159, 9/47 -al.

16th March, 1948.

428 000,

Please refer to your letter to the effect of the 11th March on the subject of the proposed visit abroad by the Central Economic Agency, to which I have written in return, advising in that direction, and also in reply to the letter.

1. The following information was obtained from the subject and
 2. should be used in the investigation of the subject's activities
 3. in the United States and in the investigation of the subject's
 4. activities in the United States and in the investigation of the subject's
 5. activities in the United States and in the investigation of the subject's
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15th March, 1948.

Dear Lord,

I have shown my Minister the copy of your letter of 11th March to Roberts about the proposal put forward by the Jewish Central Purchasing Agency to buy in bulk all the remaining British installations, land and surplus stores in a defined area in Palestine.

My Minister agrees in principle with the idea of this bulk deal.

I am sending copies of this letter to the other private secretaries concerned.

Yours sincerely,

(sgd) J. M. Wilson.

Richard Esq.,
Private Secretary to
The Minister of Defence,
West George Street,
... ..

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E / /

20 MAR 1948

INDEXED

From: War Office

To : Fixets Cairo

FADC/BA/229
Desp. 15 Mar '48.
D.T.O. 151700 A MAR

TOP SECRET 09661 15029 ILL

For Hayes D. Hirings from Fife.

Your cipher 467/FAD 10 March acknowledged.

ONE Bulk deal been discussed at Ministerial level. Hope decision will be reached within next 48 hours.

TWO My 09276 9 March set out conditions under which negotiations should be continued. Your confirmation that CPA can take title of land awaited.

THREE Agree schedule construction costs will have to be disclosed in reaching agreement for bulk deal.

FOUR Noted CPA will accept all loss due to looting or other circumstances once installation taken over by them.

FIVE Largest deposit possible should be obtained. If this could be in sterling so much the better. FOUR of our signal in TWO above Message Control defines deposit and currency conditions.

Distribution: P.U.S. V.Q.M.G.
D.U.S. (A) (2) D.Q.M.S.
D.F. (c) M.O.4.
C. of L. & C. I. of L. (Disp) (2)
I. of L. (2) Treasury (Mr. Blunt)
W.F. (2) Colonial Office (Mr. Gutch)
D.D.Q. (B) Foreign Office (Mr. Beith)
D. of A.P. Min. of Defence (Mr. Grosswell)
M.O.S. (Stores) (Mr. C.W. Reid) Air Min. (Mr. Warren)

IMMEDIATE

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42. RMID

MR. REID (Ministry of Supply) enquired whether the sales of stores and fixed assets were to be embodied in separate contracts or were to be combined in one. It was considered that one contract might be more satisfactory, so long as the War Office and the Ministry of Supply acted in complete harmony. It was decided to keep the point open and to leave the detailed negotiations to be worked out in the Middle East.

MR. BEITH (Foreign Office) had no objection in principle to the proposals, except for some misgiving as to the specification of Jewish and Arab areas, which might be taken to suggest the British Government's support for the implementation of the Partition Plan. The Foreign Office would on that account prefer a competitive sale, giving Jews and Arabs an equal chance, to any negotiated bulk sale.

Mr. HERRA (Colonial Office) thought that the areas referred to in the orders were those of the Land Transfer Regulations of 1940, which prohibited or restricted sales to Jews of land in certain Arab areas; and Mr. GANNES (War Office) stressed this view with reference to the area recently referred to by Mr. Gifford. He added last. On this understanding it might follow that the War Office's objection, on condition that the railway would be used in the Arab areas to the Arabs. Mr. GANNES stressed that that was the intention, and that in any case competition would be made to take place in circumstances in which the Arabs would still not need for land and it was not virtually the only thing that would be the only thing, mentioned by Mr. HERRA as an "agricultural" could not be "agricultural" of our surpluses on the land. He said nothing.

10. WITH this question was dealt at War Office as the land on which the mine should be built they found that MR. BLITZ (War Office) explained that there were three categories of land, viz. British, Jewish and Arab. The sale of land was controlled by the High Commissioner or the Civilian Administration depending on whether it was sold to Jews. This meant that land could not be sold to Jewish buyers of the Palestinian Government, but it could be sold to Arab buyers. In fact, the land was sold to Arabs in the frontier in exchange for arms for the reduction of the purchase price to a nominal value and the legal liabilities involved were set against the reimbursement of rights.

[illegible]

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The meeting decided that reports on its discussions should be made by each of the Departments concerned to its appropriate Minister, and the War Office and Ministry of Supply agreed to send parallel replies to their representatives in the Middle East. Mr. WOOD undertook that the Minister of Defence would approach the other Ministers for their comments and, if necessary, call attention to any differences. Advantage would be taken of Mr. General WOOD's coming visit to London to consult him on points in detail.

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IZ 995
TOO 131940B
(131740Z)
TOR 142230Z

IMMEDIATE

FROM : H.Q. BRITISH TROOPS, PALESTINE
TO : MINISTRY OF DEFENCE, LONDON

ADM/1027

13th April 1948

For Parker from Hewor.

1. You may have seen signal Select(M)2 of April 10th from Mideast to Troops in which Ministry of Defence mentioned. In spite of new programme consider no loss of stores is necessary.
2. Am flying to S.E. M.E.L.F. on April 16th to ascertain whether original tonnage of stores is still required by army. If this is the case I believe it can be moved and shipping should be programmed. But if the tonnage actually required is reduced the shipping programme after 15th May can be curtailed and amount of stores declared to BSM for disposal can be proportionally increased.
3. Will signal you which of these alternatives is adopted from S.E. . .
4. Shall proceed to Cairo from S.E. for discussions on bulk deal with Havers and Hayes returning Jerusalem about April 20th.
5. Please reply urgent telegram to me at S.E. M.E.L.F. on these dates.

TOO 131940B

CIRCULATION

D.O.C.R.
Mr J.A. Macgregor, M.C.
Mr D.A.S. Flint, Treasury
Mr J.A. Martin, Colonial Office
Mr G. Gutch, Colonial Office
Mr H. Beith, Foreign Office
Mr S.E.V. Luke, Cabinet Office
Colonel Sherman, Cabinet Office
Mr C.W. Reid, Ministry of Supply
Mr C.M. Fife, W.C.
Mr F. Wood, Ministry of Defence

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TOP SECRET CYPHER TELEGRAM

4 APR 1948

RECEIVED BY O.T.P.

IZ 1040
TOO 171245B
(171045Z)
TOR 181023Z

IMMEDIATE

FROM : G.H.Q., M.E.L.F.

TO : MINISTRY OF DEFENCE, LONDON

69802 Q(M)2

17th April 1948

For Parker from Hewer.

Reference ADMIN/1027 13th April and new evacuation programme.

1. Total tonnage that the Army wish to evacuate is 45,000 tons as from mid April.
2. Shipping has been programmed by London to load 30,000 tons between 15th April and 15th May.
3. We estimate our capacity to load between 15th May and 15th June is 21,000 tons. Shipping for this tonnage is therefore being requested by G.H.Q.
4. Assuming that ships to carry 51,000 tons are available and deducting 45,000 tons required by Army there would be space left over for 6,000 tons for BSDM.
5. We consider the above to be a reasonable overall target and that we are justified in requesting shipping for 51,000 tons for period 15th April 15th June.
6. We can of course only reach this target provided that ships arrive evenly spaced and on programmed dates.
7. In addition to the 6,000 tons mentioned above a further 5,000 tons of BSDM scrap will be shipped as flattening for you. Shipping space additional to that mentioned in para. 2 has already been programmed.
8. Agreed G.H.Q., M.E.L.F.

CIRCULATION



D.C.O.R.
Mr. J.R. Macgregor, W.C.
Mr. D.F.C. Blunt, Treasury
Mr. J.M. Martin, Colonial Office
Mr. J. Gutch, Colonial Office
Mr. H. Beith, Foreign Office

Mr. S.E.V. Luke, Cab. Office
Col. Sherman, Cabinet Office
Mr. C.W. Reid, Min. of S
Mr. C.M. Fife, W.C.
Mr. F. Wood, Min. of De

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1948 53	Palestine EASTERN	E3651 /G 1948 45
E3651/8/31/6 Cabinet Office COB(48)36 Min 5. Dates 10 March	Palestine : Directive to G.O.C.	
Last Paper E3443	(Minutes)	
References	DB. 17/3	
(Print)		
(How disposed of)		
(Action completed) 	(Index) 	
Next Paper		

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COS (48) 26th Mtg. of 10th March, 1948

5. PALESTINE: DIRECTIVE BY H.M. GOVERNMENT TO THE
GENERAL OFFICER COMMANDING, BRITISH TROOPS, AFTER
TERMINATION OF MANDATE

(Previous Reference: COS(48)13th Mtg, Min.1)

THE COMMITTEE had before them a Secretary's Minute^x setting out the comments and suggested amendments to the draft directive by H.M. Government to G.O.C., Palestine, received from the Commanders-in-Chief, Middle East, the High Commissioner for Palestine and the U.K. Delegation in New York.

SIR JOHN CUNNINGHAM said that amendment 2 in the Secretary's Minute to the directive permitting the G.O.C. to assume supreme command in Palestine in a state of emergency needed some redrafting. He suggested that the last sentence of the amended paragraph 3 of the directive should read:

"If you consider a state of emergency has arisen, you have the power, after informing the other two Service Commanders, to assume command of all Service personnel in Palestine".

The comment made in paragraph 4 of the Secretary's Minute on the directive that the United States Commission should be permitted to discuss the directive before it was finalised and issued was impracticable, since the time factor would not permit this to be done. He thought there would be no objection to the United Nations Commission being shown the directive, provided that it was made quite clear that no modifications to the directive could be accepted or after it had been approved by H.M. Government.

x COS.398/5/3/8

E 3651

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LT.GENERAL TEMPLER said that there were a number of detailed amendments and comments to the draft directives which were mainly of concern to the War Office. He suggested that it would be simpler if the War Office was invited to prepare, for the consideration of the Chiefs of Staff, revised draft directives, in the light of the amendments and comments received, together with notes of the comments that did not necessitate amendment to the directive or the administrative directive.

He pointed out that the amendments and comments attributed in the Secretary's Minute to the General Officer Commanding, Palestine, should have been attributed to the Commanders-in-Chief, Middle East.

THE COMMITTEE :

Invited the War Office in consultation as necessary with the Admiralty and Air Ministry to prepare a revised draft Directive and a revised draft administrative directive together with notes on the comments that did not necessitate amendment in the directives themselves.

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1948	E	E 3661 48 19 MAR 1948
	PALESTINE	

Registry Number E3661/8/31 FROM War Office No. Communicated Dated 19th March Received in Registry	<u>Bulk Disposal of Stores in Palestine to Jews.</u> Refers Fixets Cairo telegram to War Office No, 441 FAD of March 1st (E3290/8/31) Ministerial approval received for bulk sale subject to conditions in War Office telegram to Fixets No. 092,6 of 9th Mar. Treasury desire maximum payment in U.S.A. Dollars rather than blocked sterling. Gives list of further conditions.
---	---

Last Paper. 3651	(Minutes.) <i>Mr. Bayly</i> <i>Mr. Balham</i>
References.	the CO. are telegraphing to the High Commissioner on the lines of para. 7
(Print.)	<i>J. J. Deint</i> Mar. 20
(How disposed of.)	<i>B. Apr. 15</i>
(Action completed.) <i>J. J. Deint</i>	(Index) <i>3651</i>
Next Paper. 3779	

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 communicate it to persons
 system other than G.T.P.
 19 MAR 1948

system other than
19 MAR 1948

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Desp. 17 Mar '48.
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and 2001.

1. *Journal of the American Medical Association*, 1997; 277: 1033-1038.

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agreed to in view of the danger of looting and after approaches had been made to Arab interests. Unfortunately they did not respond until after agreement of sale had been signed.

8. This Government would much prefer that all sales of any importance are made by public tender, but it is recognised that the Disposals Authorities are faced with a very difficult problem in attempting to clear all the assets in the time available. Every endeavour has been made to meet them except where it was felt to be politically indefensible.

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1948

PALESTINE

E 3779

23 MAR

The Palestine Bill

Registry Number E3779/8/31

FROM "Extract"
House of Commons
No. Debate

Dated 19th Mar
Received 23rd "

in Registry

"Extract" from House of Commons debate on the Palestine Bill opened by the Secretary of State for the Colonies who Moved that the word "such" be left out in page 1 line 5 and to insert "the fifteenth day of May 1948, or such earlier."

Last Paper.

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References.

(Print.)

(How disposed of.)

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In PP 47 Minute March

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2.W.
Hansson (1076) f
19th March -
Palestine Bill

The Charge of Obstruction

The principal point on which the Colonial Secretary is understood to feel that he may need support from the Minister of State is the charge, likely to be made from the Government back benches, that H.M.G. are obstructing the United Nations in their endeavour to carry out the resolution of the 29th November. The following arguments might be used:

The body entrusted by the Assembly with carrying out its resolution of the 29th November is the United Nations Palestine Commission. The Commission has informed the Security Council that it cannot perform the tasks assigned to it unless it is provided with armed assistance. I do not know whether the Security Council will finally return to this request, but hon. members will have seen that the Delegate of the United States has declared his belief that the Council has no power to employ force for the purpose of implementing the Assembly's resolution. I am not now expressing an opinion on that doctrine; I merely quote it to show that the outcome of the Council's discussions is far from certain. And until that outcome is known, I do not suppose that the Commission will feel able to make plans for its own future course of action. His Majesty's Government informed the Commission that they would be welcome in London on their way to Palestine. I am not in the least surprised that we have not yet heard whether and when they propose to come, for I do not see how they can possibly now represent whether to set out for Palestine or not.

In these circumstances, for which I am criticising nobody, it is absurd to pretend that the task of carrying out the recommendations of the General Assembly is being held up by His Majesty's Government.

I am aware that there are more specific charges against us - that we have refused to admit the establishment of a Jewish Provisional Council of Government

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or the formation of a Jewish militia. We are not of course seeking to prevent either Jews or Arabs from preparing to take over - if they wish to do so - the responsibilities assigned to them by the General Assembly's resolution. I see from the Press that the Jews have already formed a shadow Government. That is one thing, but it would be quite another to permit them to exercise any authority of a governmental kind so long as Palestine is a British mandate. While His Majesty's Government remain responsible for Palestine, they cannot agree to share that responsibility with any other party.

It follows from what I have just said that we could not possibly "legitimize the Hagannah", to use the current phrase, before the 15th day. I am not now concerned to argue ~~xxxx~~ as to whether the Hagannah, an all-Jewish militia, is equivalent to the militia drawn from the inhabitants of the Jewish State for which the Assembly's plan provides - the percent of the inhabitants of the Jewish State being Arabs. My simple point is that, so long as British troops and police are responsible for law and order in Palestine, and are exposed to the unceasing dangers of that task, it is quite inadvisable to create a rival organization claiming to legitimate their authority. As for the contention that ~~xxxxxx~~ as a result of our attitude the Jews (or for that matter the Arabs) will desert defence forces and join our forces in withdrawal, that is so obviously at variance with the facts that I need not comment on it. If it were true there would be more news than I can see of our part of the early settlement in Palestine.

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Eastern Dept.

Clause I(1) of the Bill, page 1, line 10

There is an amendment, in the name of Mr. Mikardo and others, to substitute for the present wording - "... jurisdiction of His Majesty in Palestine shall determine" - the following: "... jurisdiction of His Majesty shall be transferred to the United Nations Organisation or to any body or bodies appointed by the United Nations Organisation for this purpose".

The Colonial Secretary may wish for support in resisting this amendment. The following arguments are suggested:

The fact that the words proposed in the amendment are not contained in the Bill is not an obstacle, and is not intended to be an obstacle, to the assumption of jurisdiction on the 15th day by the United Nations, or by some body which the United Nations designates.

It is not the view of His Majesty's Government that any jurisdiction which the United Nations may exercise or authorise in Palestine after the 15th day will be conferred upon them by the present mandatory Power. On the contrary, such jurisdiction will be derived from the resolution adopted by the General Assembly on the 18th November, or perhaps from future decisions of the United Nations themselves. Our part is simply to clear the decks by terminating British jurisdiction.

In the light of recent discussions in the Security Council, we must entirely rule out the possibility that neither the United Nations nor any other body acting under its authority will be required to have jurisdiction transferred to it on the appointed day. In that event, and if this amendment had been accepted, Parliament would have decided that something should be done which in ^{practice} ~~the event~~ would be impossible. It is better, I think, to confine this measure to matters which we are able to control, and not to complicate it with conditions which might be made irrelevant by the action of others and which are in any case unnecessary to accomplish the end which the Government of this amendment have in view.

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8481 MAY 83

PALESTINE BILL

Considered in Committee.

[Mr. HUBERT BEAUMONT in the Chair]

CLAUSE I.—(*Termination of His Majesty's jurisdiction in Palestine.*)

11.7 a.m.

The Secretary of State for the Colonies (Mr. Creech Jones): I beg to move, in page 1, line 5, to leave out "such," and to insert:

"the fifteenth day of May, nineteen hundred and forty-eight, or such earlier."

The discussion on the Second Reading revealed the great desire of the House that the date of the termination of the Mandate should be written into the Bill. The Bill, as presented, had left the date

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to be determined by Order in Council, and that situation arose because there had been expressed in all parts of the House at an earlier date the desire that the civil administration should come to an end at a date sooner than 15th May if at all possible. There never was any desire that the date should be extended beyond 15th May, and in all our negotiations and our statements of policy to the United Nations, 15th May has always been firmly stated. We have, however, in accordance with the wishes of the House, tried to meet the point by making it perfectly clear that 15th May is the date for the termination of the Mandate, with a proviso that if it should happen that, for the convenience of every one, the date may be sooner, such provision is inserted.

Mr. R. A. Butler (Saffron Walden): We are obliged to the Secretary of State for making this alteration in the Bill. He will notice that a little later on the Order Paper we have a similar Amendment which, if I may say so, he trumped only yesterday and we are much obliged to him. I think it is suitable to point out at this stage of our discussions that almost all the points of substance which we placed on the Order Paper, with immense foresight and skill, have been accepted and trumped by the Secretary of State, which is a satisfactory indication of how the work of Parliament ought to be conducted—that is, that the vision and the energy should come from the Opposition, and that the Government should follow suit.

As to the substance of this Amendment, we all agree that it is of great importance, and the wording of the Secretary of State is slightly better than our wording. We say

"not later than the fifteenth day of May, nineteen hundred and forty-eight,"

and he says,

"the fifteenth day of May, nineteen hundred and forty-eight, or such earlier,"

which, I think, carries out the undertaking he gave on Second Reading. We are somewhat surprised that the date was not put in the Bill originally, as that would have made the situation very much clearer from the start. The Secretary of State has given his reason for not inserting the date in the Bill, namely that it was thought possible that an earlier date might be thought desirable. That does

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Mr. Butler: Not fit in with the somewhat alarming statement he made on Second Reading that he was not sure there would be any Commission available from the United Nations on 15th May. I am surprised there is still so much uncertainty about what is to happen on the date, and that the Government did not insert the date in the original draft of the Bill. However, this makes a very good start to our discussion on the Committee stage, and I express gratitude to the Government for putting down the Amendment, which meets our point of view.

Mr. Warbey (Luton): In order to assist the very genial atmosphere with which the Committee stage is beginning, I wish to say that on behalf of the unofficial opposition, we very much welcome the decision of the Government to write the date unmistakably into the Bill. We made our position perfectly clear on Second Reading that we desired to see the British Mandate terminated at the earliest possible date, and British troops withdrawn from Palestine also at the earliest possible date. There would have been no need to re-emphasise this matter had not the hon. and learned Member for Daventry (Mr. Manningham-Buller) rather darkened counsel in his winding up speech on Second Reading by suggesting that some of us on this side of the Committee were anxious to delay the termination of the Mandate.

Mr. Manningham-Buller (Daventry): I never suggested that those views were held on the other side of the Committee, but I pointed out what would be the effect of voting against the Second Reading of the Bill. I made it clear that it was because it would have the effect of not terminating the Mandate on 15th May that we on this side of the Committee were not prepared to vote against the Second Reading.

Mr. Warbey: Yes, and I think we also made it clear on our part that what we were putting down on that occasion was a reasoned Amendment, and not a direct negative. The purpose of the reasoned Amendment was to ask the Government to look at the Bill again and to improve it in certain respects. That, I hope, the Government are going to do during the Committee stage. They have made a very good beginning, and I hope they will follow it, not only by trumping Opposition aces, but also trumping our aces.

Mr. Mikardo (Reading): With so much agreement on the Amendment, it ought to be possible to get it through without very much discussion. I rise only, as did my hon. Friend the Member for Luton (Mr. Warbey), to remove any remaining misconception on the question whether we ought to terminate the Mandate not later than 15th May. The intervention of the hon. and learned Member for Daventry (Mr. Manningham-Buller) during the speech of my hon. Friend did not make the point clear. To suggest that the reasoned Amendment moved on Second Reading was motivated by, or had as its intention, a desire to continue the Mandate longer than 15th May, is not right. The only desire to vary from 15th May, if at all possible, would be to make the date sooner, rather than later. The hon. and learned Member suggested in his intervention that the proper course for us would have been to put down an Amendment which approved the object of the Bill, but state our objections to its form; but it is generally known that an Amendment on Second Reading which does not move the rejection has extremely little chance of being called. Moreover, supposing our Amendment for rejection had been carried, it would have been possible and easy for His Majesty's Government to bring in a Bill which would still provide for the termination of the Mandate at a date not later than 15th May, but would drop some of the features of the existing Bill to which those who supported that Amendment objected.

11.15 a.m.

We should not be too squeamish about apparent misrepresentation from our opponents. I was not too much perturbed by the apparent misrepresentation—which, in his case, I am sure was quite unconscious—on the part of the hon. and learned Member for Daventry, nor was I in the least perturbed by a much more conscious and deliberate misrepresentation to a similar effect in certain less responsible organs of the Press. I would not have risen today but for the fact that, in answering questions on Business last week, the Lord President of the Council, who ought to know better, in reply to a question on today's Business, also appeared to give the impression that he had formed the view that those who moved the rejection of the Bill were doing so with the object of maintaining British rule in Palestine as long as possible. One

does not worry too much about misrepresentation of one's views from the opposite side of the Committee, and certainly one does not worry about misrepresentation in certain organs of the Press, but when we get such misrepresentation from one of our own leaders, the position should be made abundantly clear. I wish to get it clear on the record that those who sought on the Second Reading Debate, and sought honestly, to interpret what was said, will be aware that, whatever was said, there was complete unanimity about the desirability to terminate the Mandate certainly not later than 15th May. Therefore, like my hon. Friend the Member for Luton, I have pleasure in supporting the Amendment.

Mr. Manningham-Buller: I was not intending to say anything on the Amendment, but the hon. Member for Reading (Mr. Mikardo) and the hon. Member for Luton (Mr. Warbey) have led me to make some observations on this point. I am not in the least surprised that the hon. Gentleman should seek to take this further opportunity of explaining their course of action on Second Reading. It may be that they feel they did not put their point of view with sufficient force as to enable it to be clearly represented in the Press. As far as I am concerned, while it may be very easy for the hon. Member for Reading to use words such as "gross misrepresentation," and "apparent misrepresentation," may I point out to him that all I did—and what I adhere to—was to point out the effect of voting against the Second Reading? The speeches of the hon. Members are on record, and there is no misrepresentation of what hon. Members who voted against the Second Reading said. I did not misrepresent what they said, but pointed out the effect of the course they intended to pursue.

Therefore, it is quite wrong, and indeed quite unfair, for the hon. Member to accuse me of misrepresentation in any shape or form, and I hope that, in the circumstances, he will withdraw his remark. If he will look at HANSARD, he will see that the position was clearly stated by me and that I was pointing out the effect of voting against the Second Reading. I did not seek to misrepresent what he said, for what he said was well within my own knowledge and in the recollection of the House, and it was quite an unwarrantable suggestion for him to say that

there was any misrepresentation. What I did was to state clearly what the effect would be if the House rejected the Second Reading of the Measure.

So far as the other point is concerned, I must say that I am a little surprised that the right hon. Gentleman has not even now satisfactorily explained the omission of the date—15th May—in the first place. In his speech on 11th December, he was a little vague about that date. He will remember that the matter was pressed, and the Foreign Secretary made it quite clear that the date would be 15th May. Now, when we have a Bill to carry out the Government's policy and terminate our jurisdiction in Palestine, the one thing omitted from the Bill in its original form is the date. It is clear from the Amendment that it would have been perfectly easy to provide that the Mandate should be given up not later than 15th May and might be given up before that date. I do not suggest that Parliamentary draftsmen are bad draftsmen, or that the omission of the date was bound to lead to some thoughts that there might be some ulterior reason. Of course, if I were to follow the example of the Lord President, set so recently this week, I could take up quite a little time by commenting on the incompetence of the Government to express their intentions in the Bills they produce, but I do not propose doing that. I am glad that, even at this late moment, the right hon. Gentleman has recognised that this alteration to the Bill will be an improvement.

Major Tufton Beamish (Lewes): I would like to add a word or two in support of what my hon. and learned Friend the Member for Daventry (Mr. Manningham-Buller) said concerning the unwarrantable attack upon him by the hon. Member for Reading (Mr. Mikardo). I understood that the hon. Member for Reading, when speaking on the Amendment, made it clear to the Committee that he was in favour, in his Second Reading speech, not of the mandate being terminated after 15th May, but rather of its being terminated earlier. If that was in his mind and in the minds of his hon. Friends, how is it that there is no Amendment on the Order Paper to that effect?

Mr. Mikardo: The answer to that is quite simple. My hon. Friends and I did not put down an Amendment to that

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[Mr. Mikardo.]

effect because we understood my right hon. Friend to say that he would be disposed to accept such an Amendment, and we were expecting to see an Amendment from him which we could support. As it happened, there was an Amendment, not from my right hon. Friend, but from certain right hon. Gentlemen opposite, to which I and my hon. Friends could agree.

Amendment agreed to.

Mr. Manningham-Buller: I beg to move in page 1, line 9, to leave out "any," and insert "all."

This is a short point, though I hope we may have an expression of view upon it. The question I want to put to the right hon. Gentleman is this: does the word "any," in line 9 of the Bill, mean "all," and, if it does, why not say "all"? It is still three letters, and, if we say "any jurisdiction," it seems to me to imply some doubt as to His Majesty having jurisdiction up to 15th May, when I should have thought it was quite clear that His Majesty had that jurisdiction. This would appear to me to be a defect in the drafting, though, of course, of a different nature from the one which has just been put right. I hope the Amendment may be accepted without further ado.

Mr. Creech Jones: I can assure the hon. and learned Member for Daventry (Mr. Manningham-Buller) that this Amendment meets with the approval of the Government. I must confess that, to some extent, lay persons like myself rely, perhaps overmuch, on the legal niceties of Parliamentary draftsmen, but, certainly, on a further examination of the words, we could see no reason why the word "all" should not be written into the Bill, and we therefore accept the proposed Amendment.

Mr. Butler: I think this occasion demands a word from this side of the Committee. It is quite a surprise to us, for we had not expected to get a triumph on this particular Amendment, and I would like to mark the occasion by saying that the score now appears to be "30-love."

Major Beamish: I congratulate the Government on accepting the Amendment, though the Minister, in replying, failed to make one point which is in both his favour and ours, and that is that, not only is the word of the same length but

it has the same number of syllables. It is quite clear that the word "any" has a different context and meaning.

Mr. Solley (Thurrock): I am sorry in a way that the Government thought fit to accept this Amendment. I think that, in the first instance, the learned draftsman of this Clause probably knew what he was doing when he specifically chose the word "any" instead of "all." I suppose that what he had in mind was that, while no one would dispute the jurisdiction of His Majesty in Palestine, which flows from the Mandate itself, it might be disputed that certain aspects of the way in which the Mandate has been operated in Palestine might well be contrary to international law, and not, therefore, within the jurisdiction of His Majesty. In order, therefore, to meet what might well be a well-founded indictment in international law that many of the things done in the name of His Majesty's Government in Palestine did not flow from the Mandate itself, and were not, therefore, in the jurisdiction of His Majesty, the learned draftsman saw fit to use the word "any" instead of "all." For that reason, I think we should stand by the draftsman's version, which makes it quite clear by the implication that not necessarily all the acts done in the name of His Majesty were done in keeping with the express provisions and the implied provisions of the Mandate.

Amendment agreed to.

The Deputy-Chairman (Mr. Hubert Beaumont): The next Amendment is that standing in the name of the hon. Member for Reading (Mr. Mikardo)—in page 1, line 10, leave out "determine," and insert:

"be transferred to the United Nations organisation or to any body or bodies appointed by the United Nations organisation for this purpose."

Mr. Janner (Leicester, West): May I ask whether it is proposed to call the next Amendment, which stands in my name—in line 10 leave out "determine," and insert:

"be transferred to the Palestine Commission of the United Nations or to any other body or bodies appointed by the United Nations to exercise such jurisdiction"—

or whether it would be in Order for both of these Amendments to be discussed at the same time, as they are materially on the same point?

Mr. Beaumont (Cambridge University): To save you trouble, Mr. Beaumont, may I point out that there is a very small, and perhaps not very important, Amendment on the same lines standing in my name—in page 1, line 10, leave out from "determine," to end of line 11. May I ask whether it would be convenient to have a discussion on all three Amendments together?

The Deputy-Chairman: If that is the wish of the Committee, I should be quite agreeable. I would point out to the hon. Member for Cambridge University (Mr. Pickthorn) that I was proposing to call the Amendment in his name, and that may be discussed along with the other. In reply to the hon. Member for West Leicester (Mr. Janner), his Amendment is largely governed by the one now about to be moved, and it can, therefore, be discussed on that Amendment.

11.30 p.m.

Mr. Warbey (Luton): I beg to move, in page 1, line 10, to leave out "determine," and to insert:

"be transferred to the United Nations organisation or to any body or bodies appointed by the United Nations organisation for this purpose."

The purpose of this Amendment is to ensure that when the jurisdiction of His Majesty's Government in Palestine terminates, there shall not be a hiatus in the transfer of jurisdiction to another authority, the authority being the United Nations organisation or a body appointed by it. In the Second Reading Debate we dealt with the broad general question of the policy of His Majesty's Government since the United Nations decision on the partition of Palestine, and particularly the policy and actions during the interim period before and after the termination of the British Mandate. I do not propose to go over that ground again, because this Amendment, while still based upon the same principle that this Government's action should be in conformity with the decision of the United Nations organisation, deals with a narrower, although extremely important, aspect of what is to happen when His Majesty's Government's jurisdiction terminates on 15th May, or such earlier date as may be decided. Is there to be a vacuum after that date or an orderly transfer of jurisdiction to some other Power? That is the essential point which is raised in this Amendment.

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I should have thought that this was an Amendment which the Government would be very willing to accept, because it still provides very clearly that British jurisdiction completely terminates. What it also seeks to do is to tidy up—if one can use such a word in connection with Palestine—the political and juridical position as far as the mandatory Power is concerned. We have other responsibilities as a member of the United Nations Organisation, but as the mandatory Power we have very clear responsibilities both in respect of past obligations as a mandatory Power, and in respect of the decisions of the General Assembly on the precise obligations to be carried out in the termination of our authority in an orderly fashion without leaving chaos behind.

If, in fact, no provision is made for handing over authority to a successor régime, what there will be in Palestine, quite apart from the bloodshed and other things that may happen, is a complete legal and juridical vacuum. During the Second Reading Debate, we heard from the Secretary of State a description of all the things that the Government were doing during this interim period to give various powers to local municipalities. If that is all that is done, what will happen on 15th May, or any other appointed day, will be that in Palestine we shall have a simple dissolution into a number of separate, partial warring communities, with no overall body responsible for law and order and the protection of the citizens. It seems to us that we must, in common decency, in order to see that the best possible comes out of what has happened in Palestine, do our part as cleanly and as distinctly as possible to make provision to hand over to the United Nations organisation.

It may well be that if we lay the baby on the doorstep of the United Nations, the Secretary of State will say that there is no guarantee that the United Nations will pick it up. I will deal with that point in a moment, but I should like to say now that it appears to me to be far better to leave the baby on somebody's doorstep, with a chance of its being picked up, rather than to expose it in the open desert. That is what we should be doing on the appointed day, if no transfer of authority were prepared. It appears to me that there is very good reason to suppose that the United Nations

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[Mr. Warbey.]

will, in fact, pick up this baby when it is handed over to them. There is the decision of the General Assembly, and the fact that the United Nations is the successor to the League of Nations, which was the body which conferred the Palestine Mandate upon the Government of this country. It is entirely legitimate—perhaps I should say it is entirely legitimate in international law, although I do not claim to be an international lawyer—when we terminate the Mandate that we should hand over authority and responsibility for law and order and the protection of the citizens to the body which is the successor to that which conferred the Mandate.

I am supported in that view by an important statement which was made by the legal advisers of the Secretary-General of the United Nations about 10 days ago. It was referred to by the right hon. Gentleman the Member for Saffron Walden (Mr. R. A. Butler) during the Second Reading Debate. He referred to it in rather a different context, namely, whether or not the United Nations could establish an international force in order to maintain order in Palestine. This is a statement made by Mr. Trygve Lie's legal advisers:

"An international armed force set up to maintain order in Palestine . . . would have the character of an international police force for maintenance of law and order in a territory for which international society is still responsible."

It is the last sentence to which I draw attention—

" . . . territory for which international society is still responsible."

In the opinion of the legal advisers of the Secretary-General of the United Nations, that means that Palestine is a territory for which the United Nations is responsible. Therefore, it seems to me that there can be no doubt at all about the duty and the legal possibility of the United Nations accepting this transfer of jurisdiction. I urge the Government to accept this Amendment, and carry out this last and final stage of our responsibility in Palestine in the fashion suggested.

I want to remind the Secretary of State, in conclusion, that he has quite rightly, on very many occasions in this House and at Lake Success, tried to compel other members of the United Nations

to live up to their responsibilities in respect of Palestine. I fully accept that some of the other nations in the United Nations Organisation have not played the game on Palestine. They have not lived up to their share of responsibility, but if we try to compel them to accept their responsibility and make the United Nations a living entity, in which every member plays its proper part, let us see to it that we in our actions put the responsibility fairly and clearly where it lies. In this case, the responsibility is the jurisdiction and the maintenance of order and security.

Mr. Janner: I would like, in a sense, to support this Amendment and at the same time to try and explain why the Amendment standing in my name and in the name of other hon. Members was put on the Order Paper. There can be no question at the moment that it would be an intolerable position if we merely left Palestine and took no share at all in handling the jurisdiction of that country over to somebody or other or to some authority or other. It was never intended by the League of Nations that it should be so; it was never intended by the successor to the League of Nations—the United Nations organisation—that it should be so.

I should like to remind the Committee that the Mandate was granted for a specific purpose, and that purpose was the establishment of a Jewish National Home, provided that the civil rights and religious rights of other communities should not be interfered with. It has been stated quite categorically by those who were the founders and who proposed the Mandate that that was the position at the time when the notorious White Paper was brought before this House—and there is certainly no reason at all, one would imagine, that from that date onwards the position was different. I refer the Committee to the very categorical statement made at that time by Mr. Lloyd George.

11.45 a.m.

If the object of the Mandate was what I have stated it was, it is perfectly obvious that to leave Palestine at the present time without handing over to the United Nations Organisation will mean that the original intention of the Mandate is to be to some considerable extent frustrated. That, of course, was readily accepted by those commissions which went

out to Palestine to investigate the position. It was accepted by U.N.S.C.O.P., and on their return they said quite definitely what should be done in Palestine. They sent their recommendations to the Assembly, who came to definite conclusions, and the very latest international statement of standing which we have had on the situation was the one made by the General Assembly. What did they say?

They said:

"A Commission shall be set up consisting of one representative of each of five member states—"

this is preparatory to independence being granted—

"the members represented on the Commission shall be elected by the General Assembly on as broad a basis geographically and otherwise as possible."

That has been done. The next thing is extremely important; this matter has been considered by the United Nations Assembly and it has been categorically stated what is to be done. We say, as loyal members of the United Nations organisation, we are prepared to abide by the decisions of the United Nations organisation and, consequently, this is what we are supposed to do according to the latest declaration of the United Nations organisation, when the Assembly stated its proposals:

"The administration of Palestine shall, as the Mandatory Power withdraws its armed forces, be progressively turned over to the Commission—"

I do not think even my hon. Friend will need further explanation on that point. It is crystal clear.

"—which shall act in conformity with the recommendations of the General Assembly under the guidance of the Security Council. The Mandatory Power shall to the fullest possible extent co-ordinate its plans for withdrawal with the plans of the Commission to take over and administer areas which have been evacuated. In the discharge of this administrative responsibility the Commission shall have authority to issue the necessary regulations and take other measures as required. The Mandatory Power shall not take any action to prevent, obstruct or delay the implementation by the Commission of the measures recommended by the General Assembly."

Mr. Thomas Reid (Swindon): I entirely agree with the hon. Member that U.N.O. should take over, but may I ask if this House has the right to legislate for U.N.O. and to decide that U.N.O. should take over?

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Mr. Janner: Needless to say, both as a Member of this House and a member of the inferior profession, so far as the law is concerned—the humbler profession—I have given this very careful consideration and my answer is this—if I may interrupt the course of my speech for a moment: there was a League of Nations, and the League of Nations was an international body of which we were members. The League of Nations is replaced today by the United Nations Organisation—not entirely or to the fullest extent, but it is today the international body. We are members of that international body; indeed, we have stated that we abide by the Charter and that we agree with what the Charter says:

"All members in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them."

We were a party to that Charter and agreed to that condition. The next point is Paragraph five—I am sure hon. Members are very anxious to get this right:

"All members shall give the United Nations every assistance in any action it takes in accordance with the present Charter."

I think from an international legal point of view there never was a stronger case than that we are bound in this country by the Charter to which we have subscribed and that, in view of the fact that the Assembly has made it perfectly and positively clear that it is prepared to deal with the matter in the manner I have outlined, it is our duty to facilitate matters so that we are perfectly legally in order in handing over.

I would like now to proceed to what we have said. This is what our representatives have said. As recently as 27th February at Lake Success there was a categorical statement made which endorsed precisely what I am saying, and I am quoting now from "The Times." Our representative said—[An HON. MEMBER: "Which representative?"]—our representative, Sir Alexander Cadogan. According to "The Times" of 28th February this is what he said:

"The British Government, in a memorandum to the United Nations Palestine Commission, states that"—

of course, this is only what "The Times" said—

"after May 15th the United Nations Commission will be the Government of Palestine."

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[Mr. Janner.] wondering if you, Mr. Beaumont, would be prepared to allow us to discuss that Amendment at this stage.

The Deputy-Chairman: It would be undesirable and impracticable to include other Amendments to those we are already discussing.

Mr. Crawley: My hon. Friend the Member for Luton (Mr. Warbey) suggested that we must try and encourage the United Nations to take up the threads. I suggest to him if this Amendment were accepted, it would be arguable whether we should go out of Palestine, unless there was some organisation under the United Nations to take over. Far from encouraging the United Nations to take over, it would lead the world to believe that Great Britain might, as so many nations are hoping, continue to stay there. Therefore, I think that this Amendment would defeat the whole object of the Bill, and would make it impossible for Britain to leave Palestine at all. It would be disastrous for the Government to accept it.

Mr. S. Silverman: I was hoping that before now we might have had some indication from the Government as to what is their attitude towards this most important Amendment. I rise at this stage because I have given up hope, unless more is said, that the Government will endeavour to make their position any plainer to the world than they have done so far. I asked the Colonial Secretary, in the course of the Second Reading Debate, whether he would tell us, when the Government said at the United Nations Assembly at Lake Success that although this country would do nothing to implement, alone or in association with others, the United Nations decision, it would nevertheless accept it, what they meant by "accept." I hope that I am not making too great a demand upon the resources of the Government, or embarrassing them more than is necessary in the circumstances, if I say that the world is entitled to know what they meant. What does "accept" mean? Does it mean ignore? Does it mean obstruct? Does it mean placing every conceivable legal and juridical obstacle in the way? That is what we are doing in this Bill. In the absence of any explanation from the Government on this Amend-

ment, that is what the world will say we are doing.

The Amendment does nothing more than give legal and juridical recognition to what the Government themselves regard as the *de facto* situation. If I am wrong about that, I hope that I shall be interrupted and told, so that I do not waste the time of the Committee in pursuing false points. Is that the position? Do we accept the decision of the United Nations? If this Amendment were accepted by the Government and embodied in the Bill, would it do anything more than—I think the Government ought to answer this point—give recognition in this Bill to what they have agreed to be the *de facto* situation in international law? My hon. Friend the Member for West Leicester (Mr. Janner) has quoted what Sir Alexander Cadogan told the Security Council quite recently. Was he telling them the truth? Was he speaking with the authority of the Government, and do they accept all he said? Surely we are entitled to know that. I know that Sir Alexander Cadogan—and we are for the same reason—is in a very difficult position indeed. It is only in quite recent times that we have appointed civil servants to be heads of political delegations. I have always thought that to be a very embarrassing, irregular and slightly improper practice. Surely, if someone is to make a statement of policy to the Security Council or to the Assembly, or to any gathering of international statesmen, it should be someone who is responsible to the House of Commons for what he says; it should be someone whom we can criticise without feeling that we are doing something unfair or improper because he cannot answer for himself. That is why it makes it such an embarrassing situation. But I did not create that situation. The Government asked Sir Alexander Cadogan to lead their delegation.

The Deputy-Chairman: The hon. Member is out of Order. His remarks have nothing to do with the Amendment under discussion.

Mr. Silverman: I feel sure that there must be a misunderstanding. We are dealing with what is the *de facto* situation in Palestine under this Bill, with or without the Amendment. It has been declared that when we leave Palestine the United Nations will be the *de facto* Government

of that country. If His Majesty's Government accept that as a statement of their policy, I should be right in arguing that this Amendment does no more than give statutory recognition to the *de facto* situation. If I am wrong in thinking that that is the Government's policy, that argument will not hold water, and I will proceed with the rest of my argument. Therefore, I say, with respect and with some confidence, that it is vitally relevant to this argument to know whether the Government do or do not accept the view that when we leave, however we leave and whether we pass this Amendment or not, that the United Nations will be the *de facto* Government or *de jure* Government of Palestine.

The Deputy-Chairman: What the hon. Member has said is quite correct, and he now is quite in Order. It was not in Order, however, to discuss who shall lead a delegation, or why a certain person shall lead a delegation.

Mr. Silverman: I fully appreciate that. That was only a passing reference. While it is something which should be discussed at some time, this is not the occasion to do it.

The Deputy-Chairman: I did not desire it to form the basis of discussion, or for other hon. Members to deal with the same point.

Mr. Silverman: I want to know from the Government whether the declaration, whoever made it, was made with their authority, and whether they now accept it. I think that the Security Council, the United Nations and this Committee are entitled to know the answer to that question. I will assume, unless it is contradicted, that the Government accept that; nobody has denied it yet. I assume, therefore, that the *de facto* position is that if we pass this Bill, with or without this Amendment, there will be a Government in Palestine, that it will be the Government of the United Nations, and that His Majesty's Government will recognise that Government. If that is right, it completely destroys the validity of the point which has just been made by my hon. Friend the Member for Buckingham (Mr. Crawley), whom I tried to prevent from speaking.

Mr. Austin (Stretford): Quite wrongly.

Mr. Silverman: Would it be modest of me to say that I am among the last persons in the House who would have the right to prevent any other Member from expressing his view? I thought, however, that the view of my hon. Friend was as much embarrassing to him as to everybody else, but if he feels that it was not, I withdraw any objection I have. I say that if the declaration made on behalf of the Government that when we go the Government of Palestine will be the United Nations—if His Majesty's Government accept that—the reason which my hon. Friend advanced for not accepting this Amendment will not be a good reason.

Mr. Leslie (Sedgefield): Will there be any reason for accepting the Amendment if the Government have accepted the position which the hon. Member now puts forward?

Mr. Silverman: If that were so, is it a wrong method of argument for me to ask my hon. Friend what possible reason could they have for not accepting it? Why not? I press this, because if it were accepted and added to the Bill the point would be clear, in municipal and international law, that that is that Government, and that we recognise that Government.

Mr. Solley: It would be a solemn declaration of policy by way of statute, and there could be no exception to that, if that is our policy?

Mr. Silverman: That is an admirable way of putting it, but perhaps my hon. Friend will forgive me if I prefer my own, and say that all the Amendment is really seeking to do is to give legislative recognition and sanction to the position which the Government hold to be the case. But it would do a little more than that; that would be a purely formal thing. I would welcome it even as a formal thing, but it would be a little more. I said, in my Second Reading speech, that one of the things which led me to vote for the reasoned Amendment against it was that, so far as this Bill is concerned, there might never have been a League of Nations, a Mandate, a United Nations' organisation, an Assembly, a Council, a Commission, or the handing back of an international trust to the international body which conferred that trust. There

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[Mr. Silverman.] is no mention in the Bill, from first to last, of the recognition that there is any international authority in this matter at all—not one word.

I should have thought that if, without altering the legal position—and my whole argument so far has proceeded on that assumption—you make a declaration to the world that you are not merely running away and leaving anarchy and chaos behind you of deliberate and set purpose, but are taking the logical and responsible consequences of having handed over your trust—

Mr. Pickthorn: On a point of Order. I wonder, since the charge has been made that somebody is running away, whether the hon. Gentleman will indicate exactly who is meant by "you"—His Majesty's Government, the British Army, or what?

The Deputy-Chairman: I hope the hon. Member for Nelson and Colne (Mr. S. Silverman) is not referring to me, because I can assure him that I am not running away.

Mr. Silverman: This kind of interruption has been made before. I apologise. Mr. Beaumont, for appearing to suggest that you, on this occasion, or Mr. Speaker, on the Second Reading, could possibly be running away from anything. If I said anything to indicate any such thing, I will withdraw it at once, and offer my fullest apologies to you and the hon. Member for Cambridge University (Mr. Pickthorn), who seems to be so worried about it. I understand that the greater part of the hon. Gentleman's contribution to the Second Reading Debate was that Great Britain, and the Governments of Great Britain which he supported between 1917 and 1939, had done even more than run away—that their whole policy in this matter was bogus. That was the tenor of the hon. Gentleman's speech on the Second Reading, and I think perhaps he might leave it there for the time being and let me continue. No doubt he can state his own point of view when his turn comes.

The people who I suggest are running away in this matter are this House, Great Britain, this country and this Government. They would simply be running away if they did nothing whatever to recognise that, although they have a perfect right—and I think they are right in doing it—

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to hand over the Mandate, to come out of Palestine at the earliest possible moment, to hand over the whole of their authority and jurisdiction in Palestine at the earliest possible moment, and withdraw every British soldier as soon as ever he can be withdrawn—which is the only policy for this country now to pursue—they were leaving nothing behind; that they were running away and deliberately and, of set purpose, creating anarchy and chaos. If there is nothing in the Bill to give legal and legislative sanction and authority to what is recognised to be the *de facto* position, they are advertising to all the world that that is their intention.

I hope the Government will accept this Amendment. I see no reason why they should not. A reluctance to do it, a refusal to do it, would be dishonourable and a most disgraceful thing. I say that with due deliberation, and a full sense of responsibility. I do not know what historians will say about the first British Socialist Government with an overwhelming majority in this House. In a great many things, I hope and believe that historians will regard this Government as the very best Government this country has ever had, and I am sure that in a great many, certainly not all, of their international activities they will win great praise. In the many things that they have done and left undone I feel sure it will be said that mistakes were made. I do not know, but all I would say is that in this matter, and in this matter alone, future historians of British Socialism will feel ashamed.

Mr. Pickthorn: I should like to agree with the hon. Member for Nelson and Colne (Mr. S. Silverman), if I might, on one or two points. I agree with him, and respectfully also with you, Mr. Beaumont, also, that the inadvisability of having political decisions made by civil servants, and all that, is not a matter for discussion now. I agree with the hon. Member also, he may be a little more surprised to know, about the undesirability, and even it may be the disgracefulness of leaving a territory and a population for which a Government have been responsible without making sure beforehand that there will be someone else effective to continue the duties of government.

I wholly agree about that. Those of us who were against Zionism from the

first, who always thought political Zionism one of the mistakes of human history, who always opposed it, are I think, perhaps not very justly, continually accused of running away for that reason. We would be the last to enjoy the misfortunes which have now fallen upon our country, upon that country, upon Zionists and upon Arabs. But the pressing for the fixing of 15th May by those of us who take that view was not done because we thought that we ought to get out and leave nothing else behind, but because it seemed to us plain that both parties in this House and in Palestine, and there are more than two in this House and more than two in Palestine, all effective parties, had made it quite clear that it was not going to be possible any longer to continue British administration, and that once that had become absolutely clear the only thing to do was to fix a date, and the earliest possible date.

The responsibility to arrange for something alternative to come in at midnight on 15th May was not upon those of us who took that line. That responsibility was for those who took the line which made it impossible for British administration to go on to arrange that before their own line should become effective it should be possible either for the British Government or for some other authority to arrange for the replacement of the vacuum to be left when the holding position by the British Government was made impossible. I do not think that it lies in the mouth of the hon. Member for Nelson and Colne, or in the mouth of anybody who has taken a strongly Zionist line at any stage, to reproach those of us who now want to see the thing ended on 15th May, but who admit that we have not arranged, and we clearly cannot now arrange, in the five weeks or whatever time is left, for the filling of the vacuum that will thus be left.

On the point about His Majesty's Government having declared at Lake Success that upon 16th May the government will be the Palestine Commission, I would respectfully suggest that that is not really a declaration in the ordinary political or legal sense. It could not be more than a prophecy, because what the United Nations or the Palestine Commission will do is not one of the things for which His Majesty's Government are responsible. I know that this Amendment

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is in Order, otherwise it would not have been called, but I am bound to say that when I saw it on the Order Paper I found some little difficulty in seeing how it could be in Order. I can just see how it could be in Order for the Crown in Parliament to legislate that the Crown shall cease to exercise a jurisdiction, but I do not quite see even there, and that is the point of my Amendment, in line 10, to leave out from "determine" to the end of line 11, which I have put down as an exploratory endeavour to find how the Crown in Parliament can legislate that its Mandate shall come to an end, that is, its duties to some authority which is, in some sense or other, higher. I do not see how that can be done. I find it even more difficult to see how the Crown in Parliament can legislate that something or other shall, as from such and such a date, be done by somebody who is and always was outside the jurisdiction of the Crown in Parliament. I really have not yet understood how it is supposed that that could be made effective either under the Bill or by this Amendment.

Mr. Warbey: I think that the hon. Member has really mistaken the purpose of this Amendment. It is not an attempt to tell the United Nations what it shall do. All it is saying is that His Majesty's Government shall do something, namely, hand over its jurisdiction to a successor authority.

Mr. Pickthorn: I am afraid I am not more enlightened than I was. If I may use the metaphor which I think the hon. Member himself used, am I now to understand that when he leaves a baby on my doorstep he is suggesting that I shall do nothing to the baby? That seems to be almost a slanderous reflection on my humanity.

Mr. Janner: If the hon. Member was prepared to accept the baby, as the Assembly is prepared to accept it, everything would be perfectly in order.

Mr. Pickthorn: If the Assembly is going to take on this duty, is prepared to do so and has made it plain that it is prepared to do so, the hon. Members who support this Amendment have what they want. I cannot see how any vote of this House or the other House can affect this matter at all.

Mr. S. Silverman rose—

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Mr. Pickthorn: Oh, dear.

Mr. Silverman: I suggest to the hon. Member, with respect, that the fallacy of his argument lies in his original assumption, namely that what was said recently at Lake Success about the authority that would take over after we go was a prophecy and not a declaration. I suggest to him that it was a declaration and not a prophecy, and that it must be a matter for the Government to decide what government, if any, they will recognise in Palestine or any other country.

Mr. Pickthorn: The hon. Member has made his speech twice. I shall have to begin mine again. The point I was trying to put was that I do not see how His Majesty's Government can make a declaration on this matter of what is to be policy next week. They do so in matters of currency and economic policy about every 3½ weeks, but they cannot make a declaration about what shall be the policy in this respect. I do not see that what Sir Alexander Cadogan said at Lake Success can be binding on the United Nations or on their Commission. Still less do I see if, in any sense it were binding, it could be made more binding by this Amendment.

I would like also to ask for help from the Attorney-General on the point put by almost all the hon. Gentlemen who spoke before me, about the United Nations being the successor to the League of Nations. I believe that to be a fallacy. I do not believe the United Nations to be in any sense a successor to the League of Nations. We ought to have that made quite plain. Nor do I think it fair that the hon. Member for West Leicester (Mr. Janner), I think it was, should talk about the "notorious" White Paper, especially after he had told us that the purpose of the Mandate was to establish a Jewish National Home in Palestine. I thought that was very revealing—"the purpose of the Mandate." This was a particular kind of Mandate, which was not a particularly numerous kind of Mandate. All the Mandates had the general purpose of leading the territories concerned to self-government. Of this particular kind of Mandate—I almost forget which was A, and which was B.—it was also the purpose that that should be done very quickly. Those populations were distinguished from, for instance, Negro or negroid populations in Central Africa.

To suggest that the sole purpose or the main purpose or even a full half of the purpose of the Mandate was the establishment—and though this was not stated it was suggested—the ascendancy of a Jewish National State in Palestine, is really not fair at all.

12.30 p.m.

Mr. Janner: If I may interrupt the hon. Gentleman again—

Mr. Pickthorn: This is the last time.

Mr. Janner: I want to convince the hon. Gentleman by reading a portion of the preamble which definitely says that:

"Whereas the principal Allied Powers have also agreed that the Mandatory shall be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."

That is the recital, and the important recital, which is contained in the Mandate.

Mr. Pickthorn: That is not a declaration that the purpose of the Mandate was to establish a Jewish National Home. I cannot go on making this speech over and over again, but there is the general purpose of the Mandate, and the particular purpose of this particular sort of Mandate, which overrules any specific purpose of this particular mandatory territory.

One other thing I want to say on this, and that is with regard to the Amendment which I put down in line 10 to have out from "determined" to the end of line 11. I am half apologetic to the Committee about this—I am not sure it is not a false point, and I shall accept that it is a false point if the Attorney-General or the Minister tells me so—but I do not see what difference would be made by leaving out those words. We have had a series of extraordinary uses of the word "responsibility" in the discussion this morning, and I do not quite see what the word "responsibility" means; I do not quite see how this House can legislate that His Majesty shall cease to be responsible to the League of Nations, or whatever metaphysical successor there is of whoever is supposed to have granted the Mandate. I think we should have

some explanation of that last line and a half of Subsection (1) before we accept it, and it is for that purpose, and with your permission, Mr. Beaumont, that I shall move the deletion of those words at the appropriate time.

Mr. Manningham-Buller: We have been discussing this series of Amendments for over an hour, and from both sides of the Committee have come requests for information from the Government on the points raised. I think it is really deplorable, if we are to proceed and to conclude the Committee stage today, that there should not have been any Government intervention before now. If the Secretary of State for the Colonies desires to make a statement now, I will willingly give way and reserve my remarks—in fact, I should much rather do that, because they might be shorter after he had concluded his speech.

Mr. Creech Jones: I think the observations of the hon. and learned Gentleman are quite unfair and uncalled for. I understood at the beginning of the discussion on this particular group of Amendments that at least three points of view were to be expressed, that of my hon. Friend the Member for Luton (Mr. Warbey), that of my hon. Friend the Member for West Leicester (Mr. Janner) and that of the hon. Gentleman the senior Burgess for Cambridge University (Mr. Pickthorn). It is only now that we have had the hon. Gentleman the senior Burgess for Cambridge University informing us as to the purpose and desire involved in his Amendment. Obviously, it is my duty to wait and listen to the case put forward before I reply to the discussion. There is no discourtesy to the House involved. If an Amendment is moved, one obviously wants to know what is in the mind of the person moving it.

Mr. Manningham-Buller: The right hon. Gentleman seems to have ignored the request made to him by his own side to intervene at an earlier stage to deal with the Amendments under discussion. I cannot help but think, bearing in mind that he is permitted to speak more than once on the Committee stage, that the Debate on the Amendments moved by hon. Members opposite might have taken a much shorter course had he intervened earlier. I do not think that my observation was in the least unfair. I was putting

forward some kind of plea that we might make quicker progress with this Measure.

I speak without any knowledge of what the Government are going to say in answer to the important points that have been raised on this part of the Bill. Is it not clear from the resolution of the United Nations, in conformity with which the Mandate is being terminated, that, on its termination, the right to exercise jurisdiction over Palestine passes automatically to the United Nations—

Mr. Janner: To the Commission.

Mr. Manningham-Buller:—to the Commission because the United Nations says it shall go to the Commission, but it passes automatically from Great Britain to the Commission through the United Nations. If that is the automatic result of the termination of the Mandate, then I must say that it appears to me to be quite unnecessary to put these words into the Bill, because that would be the inevitable conclusion of the Government. I hope the Attorney-General or the Secretary of State for the Colonies, whoever is going to reply, will, when he speaks on this Amendment, say whether or not that is the case. That point ought to be made absolutely and patently clear.

It seems to me that, in the absence of the United Nations getting the reversion on our giving up the Mandate, we in this House do not have it within our power to transfer to the United Nations the right to exercise jurisdiction over Palestine. I very carefully use the words "right to exercise jurisdiction" because, of course, it is one thing to have the right to exercise jurisdiction, and another to be able to exercise it. In some of the speeches to which I have listened this morning, it seemed that there was a little merging of the two questions—the right and the power to exercise jurisdiction.

I believe that from whatever side of the House we come, and whatever our views may be on the Zionist and Arab problems in Palestine, we are deeply concerned with what will happen on and after 15th May. We deplore the fact, and it appears likely to be the fact—the hon. Member for Buckingham (Mr. Crawley) put it as high as that it would be the fact—that, after that date, there will be no Power exercising jurisdiction over the whole of Palestine. I must say that from what one can see in the papers

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Mr. Skinnard: Is the Secretary of State aware that there was a report about Lake Success on 20th February in which the following statement was made as part of a memorandum by the representatives of the British Government to the United Nations Palestine Commission:

"The British Government will recognise the United Nations Commission as the authority wherewith to make an agreement regarding the transfer of assets of the government of Palestine."

Mr. Creech Jones: That is the position which I have been trying to state. All our discussions and negotiations since the declaration of 29th November have been with the Palestine Commission—

Mr. S. Silverman: On what legal basis?

Mr. Creech Jones: As to the position in Palestine on 16th May, I think it is very difficult for anybody to foresee it. I think it is recognised that the difficulties confronting the Palestine Commission itself are formidable, and the Security Council, which is to advise the Palestine Commission, is only at this moment discussing how the difficulties of the Commission can be overcome. In those circumstances it is quite impossible for anyone to foresee what will happen after 15th May—

Mr. S. Silverman: Will the House be in order for the incoming tenant.

Mr. Creech Jones: All we hope is that the United Nations will be in position, and both in Palestine and at Lake Success we have done all in our power to make it possible for the orderly transfer of administration and authority to take place—

Lieut.-Colonel Lipton (Brixton): To the United Nations?

Mr. Creech Jones: To the Palestine Commission of the United Nations. There are very real difficulties in putting into an Act of Parliament a statement that the United Nations itself will take over jurisdiction. We can only make a unilateral declaration of intention. So far as we are concerned, we terminate the Mandate, and the words in the Clause ought not to be compromised to make us terminate it in a particular way. Therefore, while we pay full tribute to the intention of those who have put forward the Amendment, and while we ourselves have pursued a policy in harmony with the deci-

sion of 29th November, we cannot declare that the United Nations will take over for us, because that is a matter which can only be decided by themselves at the appropriate moment.

Mr. Warbey: I recognise that we cannot legislate for the United Nations organisation to do something, but can we make it clear, not only by official statements but also in the statute, that at midnight on the appointed day we recognise the United Nations organisation as the body legally entitled to exercise authority in the government of Palestine?

Mr. Creech Jones: The purpose of this Bill is a very restricted one. It is to terminate our jurisdiction under the Mandate on a particular date. This is not the occasion for a declaration as to the future government of Palestine or as to the recognition which we will give to that government. We have on numerous occasions made our own position perfectly clear. There is no ambiguity about it. We are definitely negotiating at the present time with the Palestine Commission for the transfer of authority, and all we can hope is that the United Nations will be in a position on 15th May to take of the responsibility in Palestine.

Mr. Janner: Will the right hon. Gentleman allow me to assist him in this regard? If that is his view, would he be prepared to say that instead of using the word "transfer" we should use the word "surrender"? Then there is no positive obligation upon us. We just hand it over; we surrender it to the United Nations.

Mr. Creech Jones: The Mandate is terminated. Incidentally, the hon. Member for Nelson and Colne (Mr. S. Silverman) complained that there is no reference in the Bill to international authority, but he will discover that in Clause 1 we make it clear that what we are doing is to lay down the Mandate in respect of Palestine which was accepted by His Majesty on behalf of the League of Nations. Therefore, the only task now left to us is to transfer liabilities and assets, to discuss the future responsibilities which the United Nations Commission will take over and to express in the most emphatic language that the Mandate is terminated on 15th May and that our

responsibility in regard to jurisdiction comes to an end.

It is for those reasons that we are obliged to resist the Amendment. It has been suggested that we might concede the alternative proposal that the transfer should be, if not to the United Nations, to any other body or bodies appointed by the United Nations to exercise such jurisdiction, but here again the intention and policy of the Government have been made perfectly clear. We have said that, with the termination of the Mandate, it is the United Nations itself which must assume responsibility. We are not surrendering authority or transferring power to any group of bodies or any other organisation except the United Nations. That part of the Amendment is therefore completely unacceptable. Further, it is proposed that the word "determine" should be eliminated from the Clause. In our judgment, that would be a most fatal Amendment, because we must make our purpose abundantly clear that on the date of the termination of the Mandate our jurisdiction definitely comes to an end—

Mr. Janner: If the right hon. Gentleman would look a little lower down the Order Paper he would see that there is a consequential Amendment which would make the position absolutely and abundantly clear.

Mr. Creech Jones: That consequential Amendment contains words which I have just pointed out are quite contrary to the policy for which we as a Government have declared. We are not transferring jurisdiction to other than the United Nations.

1.0 p.m.

It is because we ourselves cannot unilaterally invest this authority in the United Nations that we must resist the Amendment. I hope that in the circumstances the Committee will accept our good faith, that we shall do our utmost to work in the fullest harmony with the United Nations. We do not want to see a vacuum, we do not want to see chaos overtaking Palestine, and all our power will be directed, not only to an orderly transfer, but to creating those conditions after 15th May in which law and order and the maintenance of good Government can become possible. But, if there is a

breakdown, I wish to say most emphatically that over a long period we have been warning the United Nations of the approaching date of 15th May, that there was a great deal of work to be done before authority could be assumed by the United Nations, and that therefore it was imperative in all the discussion that there should be no time wasted at all, but that responsible authorities should come to grips with their problems. We have done all in our power by initiating discussions in the negotiations of the United Nations Commission to speed up the conclusion for this matter.

If it should happen that on 15th May the United Nations are not in a position to send their Commission to Palestine and take up jurisdiction, responsibility must not be laid at the door of the United Kingdom Government. We have done everything in our power to expedite action by the United Nations and it is with the United Nations that responsibility must rest—

Mr. S. Silverman: Responsibility to whom?

Mr. Creech Jones: I hope the Committee will reject the Amendments put forward by my hon. Friends the Member for Luton (Mr. Warbey) and for West Leicester (Mr. Janner).

Mr. Pickthorn: May I have a word in reply to my Amendment?

Mr. Creech Jones: I must confess we were in some doubt as to the intention of the Amendment in the name of the hon. Member for Cambridge University (Mr. Pickthorn). We have been advised that it was desirable that these lines should be included in the Bill. Our legal advisers felt we should make it clear that—

"His Majesty's Government in the United Kingdom shall cease to be responsible for the Government of Palestine"

and that these lines should be written in the Measure itself. They are inserted on the advice of our legal people as making the Clause much more water-tight than it would otherwise be.

Mr. Pickthorn: I am sorry, but once before there was a great official who washed his hands of a matter. This seems to be washing the hands with quite invisible soap and non-existent water. If the right hon. Gentleman did not know

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[Mr. Pickthorn.] what would be the effect of leaving out the words, I do not see how he can press for the retention of the words. My Amendment was very simple; it was to leave out 11 or 12 words. The right hon. Gentleman says he does not know what the effect would be, that his legal advisers were unable to tell him, and that therefore the words ought to stay in. That seems to me the most extraordinary piece of argumentation. Upon what I suppose one should call his argument, I ask to whom His Majesty's Government are to cease to be responsible? It cannot be necessary to say that if the whole purpose and object of the Bill is to make it plain that His Majesty's Government in every sense are getting out and disinteresting themselves in Palestine. That is the whole object of the Bill from its short Title and each Clause. It should be unnecessary to say that the Treasury Bench shall cease to be responsible to its back benches. If that is what it means, more than ever the words should be omitted, and if it does not mean that, we should be told what it means.

Mr. Creech Jones: The hon. Member for Cambridge University has rather a habit of caricaturing statements made from the Treasury Bench—

Mr. Pickthorn: It is unnecessary.

Mr. Creech Jones: I expected that retort. I wish to point out that this is not the first time words such as these have come into an Act of Parliament designed to transfer authority. Those words were included in the Ceylon Bill, the Burma Bill and the Bill relating to India.

Mr. Pickthorn: All by this Government.

Mr. Creech Jones: Certainly, all by this Government, because no other Government have been responsible for the transfer of authority. The responsibility is obviously on this Government. They are in common form with legislation of this kind, and I think it must be admitted that we have no precedent in a very difficult field of international law, and it is, in the judgment of our legal advisers, desirable that these words should remain in.

Mr. Austin: My hon. Friends put so many reasonable arguments forward earlier in support of the Amendment that

I had not intended troubling the Committee, but the lame and lamentable speech we have heard from the Secretary of State for the Colonies is the reason for my intervention. At one time I had a great regard for him, and I still have a great regard for him, but it is overwhelmed today by a great feeling of sympathy for him because he is obviously the victim of the greatest campaign of trickery, intrigue and deceit that any Colonial Office has had to be subject to, and he is in difficulty in explaining away the attitude of the Government when he knows in his own heart that the Government, on this question of Palestine, are completely in the wrong.

What did my right hon. Friend say at the end of his speech? He said that if there is chaos after 15th May, if there is disorder, if there is bloodshed, the sole responsibility for that will rest on the United Nations. It would be very easy to use abusive terms in commenting on what he said. I do not want to do that, but it is pathetic to have a Minister of the Crown make statements of that kind when he knows, and the whole Front Bench—which includes the Minister of State—knows, that our Government have prevented and frustrated the United Nations Commission in its efforts to reach Palestine. May I quote my hon. Friend the Member for Luton (Mr. Warbey) whose accusations were not refuted when he made them? He said on the question of the Palestine Commission and British authorities:

"They refused to allow the Palestine Commission to go to Palestine, even when the Palestine Commission urgently requested them to do so, and there is no doubt at all about the attitude of the Palestine Commission upon this question in its first report to the Security Council. The Commission said:

"The Commission does not find satisfactory the suggestion that the Commission should not go to Palestine until approximately a fortnight before the termination of the Mandate."

That means that even at this moment the Government are adamant in their outlook that the United Nations Commission are not to go to Palestine before 1st May. It is difficult to reconcile that viewpoint and instruction with the attitude of the Colonial Secretary just now.

We all want our troops home at once if possible; therefore, may I advance a further argument why the Amendment should be accepted? The hon. Member

for Buckingham (Mr. Crawley) said that he would oppose the Amendment because it would mean that British lives and property would be endangered after 15th May. Conversely, I am supporting the Amendment because I believe British lives and property will be in danger if the Amendment is not accepted. The Committee will remember the gasp of derision that went up when the Colonial Secretary talked about the authority being handed over to the incoming tenants and said, in his Second Reading speech on 10th March:

"It is possible that the Palestine Commission of United Nations may find itself unable to proceed to Palestine because suitable arrangements have not been made, either by the Security Council or by other organs of the United Nations, for it to take up its duties there."

He had his tongue in his cheek, knowing that he and the Government had refused to allow the Commission to go to Palestine. Then, after the intervention of the senior Burgess for Cambridge University (Mr. Pickthorn), who asked what would be the effective authority after the 15th, the Colonial Secretary said:

"Obviously, if the Commission is unable to take up its duties, we shall be confronted with a different and new situation."—[OFFICIAL REPORT, 10th March, 1948; Vol. 448, cc. 1258 and 1307.]

This is the point that will affect British lives and property after 15th May. What is the new situation that will confront this Government and our Forces in Palestine? I think the Government will have to maintain their control over the administration of Palestine and be involved in bloodshed and fighting both with the Arabs and the Jews, or else they will withdraw our troops into compounds and try to steer clear of bloodshed and disorder, and then these compounds will be assailed by hosts of refugees from either side clamouring for admission and demanding sanctuary. Our troops are bound to be involved, however we may look at it, and if only for that reason I shall certainly go into the Lobby in favour of this Amendment if it is taken to a Division.

Mr. Mikardo: We waited quite a long while for the Colonial Secretary to intervene in this Debate, and I am not sure that, when it came, his intervention helped a great deal. There were two parts of his speech. In the first he endeavoured

to clarify the legal position and, in the second, he put forward some arguments against our Amendment. On the first of the two points, I was a great deal more confused at the end of his explanation than at the beginning.

Mr. S. Silverman: So was I.

Mr. Mikardo: Whilst I agree that the subject is a tricky point of law, it nevertheless is the case that it sounded a lot trickier when he finished than when he began. Now with regard to the second part of his speech consisting of paying a great deal of lip service, not for the first time, to the United Nations organisation strictly on the condition that His Majesty's Government do not do anything to put that lip service into effect. A little earlier we heard the Attorney-General describe the connection between jurisdiction and physical situation in the territory, and in the opinion of this Committee, of this country, and of the world, the Colonial Secretary cannot expect to go on indefinitely paying lip service to the United Nations in the face of the opinion of this Committee, of this country, and of the world and maintaining the condition that the Commission is not to be allowed into Palestine until a fortnight before our authority ends.

The hon. and learned Member for Daventry (Mr. Manningham-Buller) said an extremely important thing—that our present opinions on the Palestinian issue, our past or present partiality for the case of the Jews or the Arabs, have nothing to do with the anxiety about what will happen in Palestine when we leave. Equally, our past views of the rights or wrongs of this situation have nothing to do with what we ought to feel about this Amendment, because it is not in the least concerned with the relationship of the Government to the Jews in Palestine or elsewhere, or with the relationship of the Government to the Arabs in Palestine or elsewhere. It is concerned entirely with the relationship between the Government and the United Nations organisation. Therefore, we ought to consider this Amendment without any reference to, and without in the least being influenced by, the opinions we have held in the past about the general Palestinian problem.

1.15 p.m.

There were two sets of arguments used against the Amendment. The first was

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[Mr. Mikardo.] used by my hon. Friend the Member for Buckingham (Mr. Crawley). I am sorry he is not here now to hear me say that I feel quite sure that, when he looks up his speech in the "political Wisden," he will come to the conclusion that it was not one of his best efforts. It is quite true that before he could get to the crease, and even before he could leave the pavilion, his amateur status was challenged, and he defended it to good effect. However, when he got to the crease he made the mistake of not looking round to see the disposition of the field, because he said that if the Amendment stood, it would be very difficult for His Majesty's Government to terminate the Mandate and to get out of their present responsibilities in Palestine. What that argument overlooks is that whereas, according to the Amendment, the word "determine" would be omitted, if the Amendment were carried, the following passage would still stand:

"and His Majesty's Government in the United Kingdom shall cease to be responsible for the government of Palestine."

It follows conclusively, therefore, that there is nothing in the argument that the insertion into the Bill of this Amendment would make it impossible for the Government to terminate the Mandate when they want to do so. My right hon. Friend the Colonial Secretary said that, on the advice which he had, he thought there was some danger, even with the inclusion of lines 10 and 11, in the omission of the word "determine." My hon. Friends and I do not feel strongly about this and, if he wants to retain that word, there is no reason why he should not do so, and why the Clause after Amendment should not read:

"and all jurisdiction of His Majesty in Palestine shall determine and be transferred to . . ."

We shall have a Report stage of this Bill, and as it begins to look as though there is some doubt whether we shall have it today, it will be possible, if that is what is worrying the Government and their legal advisers, to arrange for an Amendment retaining the word "determine" but meeting the point in our Amendment.

A quite different argument was used against the Amendment by the hon. and learned Member for Daventry and by the hon. Gentleman the senior Burgess for

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Cambridge University. They opposed this Amendment because it was unnecessary; because, since it was quite clear that on the morning of 16th May, if the United Nations Organisation could not exercise jurisdiction in Palestine and nobody else could, there would be no purpose in our saying that we transferred our jurisdiction to the United Nations organisation. I wish I could be quite clear about this because it seemed to me that the Attorney-General spoke with a different voice from the Colonial Secretary and, indeed, with a different voice from the voice with which he spoke in the Second Reading Debate, and a number of quite conflicting things were said. He said that there was some doubt about the legal position on 16th May. I took down the actual words of the Colonial Secretary in endeavouring to reply to an intervention. He said: "There was room for two opinions upon the subject."

If there is room for two opinions, the suggestion that the Amendment ought not to be urged because it is unnecessary begins to lose validity, and I fancy that both the hon. Members opposite who put forward this point of view might be inclined to revise their opinion in the light of the remarks of the Colonial Secretary and of the intervention of the Attorney-General. It is not clear beyond all argument—and the longer the Colonial Secretary went on, it became less and less clear—without somebody saying so, that, in point of fact, the jurisdiction will be transferred to the United Nations organisation or some body set up for that purpose. I want to put this question: what harm can there possibly be in accepting this Amendment? It has been said—but the point has been completely answered—that harm might lie in this fact. If the Amendment were accepted and we were obligated to transfer jurisdiction to U.N.O., and if U.N.O. at the appointed time could not or would not accept that power, we could not give up the power at all.

If I might revert to the analogy of the baby on the doorstep which was used by an hon. Gentleman on this side and also by an hon. Gentleman opposite, what is suggested is that, if we leave the baby on the doorstep of U.N.O. and U.N.O. refuses to take it in, we should have to pick the baby up and take it away ourselves. That is arrant nonsense. I am not a skilled leaver of babies on doorsteps, and

I do not know what the technique is, but it seems to me, from what I read in the newspapers, that the people who do this do so with complete indifference whether the owner of the house is going to take in the baby or not. Therefore, this suggestion falls completely to the ground. In any event—and my hon. Friend the Member for West Leicester (Mr. Janner) was bursting to point this out but nobody would let him—the suggestion is met in the Amendment in his name—in line 10, after "and" insert "in any event." If the Government were to accept the present Amendment and also the one in the name of the hon. Member for West Leicester, we should then get a Clause with the following words:

"all jurisdiction of His Majesty in Palestine shall determine and be transferred to the United Nations Organisation . . . and in any event His Majesty's Government in the United Kingdom shall cease to be responsible for it."

If anybody imagines that that wording would make it impossible or any more difficult than does the present wording of the Bill for His Majesty's Government to hand over all their responsibilities on 15th May or sooner, they have not thought out the meaning of the words.

In fact, what are we arguing about? The choice before us is whether the Government shall be committed on 16th May to recognise the United Nations organisation as the authority in Palestine, or whether it shall be left open to them to recognise anybody, Jew or Arab or anybody else, who on 16th May by force assumes all control of that area. That is the real question. Since not all over the world do people know as well as we do the pure and lily-white intentions of His Majesty's Government, I feel sure that it would be said somewhere in the world that the object of resisting this Amendment was to leave the way open for the recognition of some government of Palestine which has been achieved by force, perhaps by external invasion by some States outside. If we want to make it clear that that is not the situation, we should say so, and the best way to say so is for the Government to accept this Amendment, by all means including the other Amendment to which I have referred so as to make it clear that they are not hampered in the task of getting out of Palestine.

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If, then, there is a form of words—and I think nobody will dispute this—which will make it abundantly clear that we give up our jurisdiction, and which, at the same time, will show that we, for our part, as loyal members of the United Nations, recognise the United Nations as the authority on 16th May, and nobody else—if there is such a form of words, and I am convinced that there is—I see no reason why the Government should not accept it, and should not begin to accept it by accepting the Amendment moved by my hon. Friend.

Mr. Manningham-Buller: The right hon. Gentleman has not received much support from those benches for his contribution to this Debate. The hon. Member who followed him described his speech as "lame and lamentable." I am not going to join in trying to find epithets with which to describe his oration. The temptation which he put before me to support this Amendment was much more powerful than the arguments of the Mover or the supporters of the Amendment.

We on this side of the Committee at present cannot support this Amendment if it is pressed to a Division, because, as we see it, these words are not necessary, as on 15th May, the right to exercise jurisdiction will automatically pass to the United Nations organisation. As we see it at present, it is certainly not clear from the right hon. Gentleman's speech, and there I entirely agree, and I ask that we should be told.

Surely, it is no use to us to be told that this is a matter of legal interpretation on which there may be two opinions? There may be a dozen legal opinions, but what we are entitled to know is what is the opinion of the Government, and that we have not been told. I do not feel that it would be right for this Committee to pass from this matter until we get an answer on that point. It is really no use the right hon. Gentleman saying that we assume that the United Nations will be in a position to exercise some authority in Palestine on 15th May, and that we are proceeding entirely upon that hypothesis, and, at the same time, shutting our eyes to all prospects which have any degree of reality behind them.

We are surely entitled to know from the Government and their legal advisers

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—and the Attorney-General is here—whether it is not their view that the technical right to exercise jurisdiction over Palestine goes to the United Nations. After all, if we had given up the Mandate before the League of Nations had ended, there could be no doubt that the right of exercising jurisdiction would have reverted to the League of Nations. I know that the United Nations organisation is not legally the successor to the League of Nations, but, at the same time, it is the *de facto* successor. I should think that it was arguable that the technical right automatically passed to the United Nations, but that matter ought to be put beyond doubt and made absolutely clear by the Government. The Government may be right or wrong, but, at least, will they not say what their view is? So far, we have not been told it. It has been brushed aside; we have been told their assumptions, but have not been given an expression of their opinion.

I would remind the right hon. Gentleman that he did say that we are not transferring authority to other than the United Nations organisation. It follows from the first point, to which we must have an answer, that, if the Government do not accept the proposition that this is an automatic transfer to the United Nations after 15th May, arising automatically by the giving up of the Mandate, then, does it not mean that the Government are accepting a position of waiting to see who seizes authority in Palestine? If the Government do not accept the technical right passing to U.N.O., if the Government now tell us that that view is wrong, the only inference which I can draw from the speech of the right hon. Gentleman is that the Government are saying, "Well, after 15th May, jurisdiction in Palestine will be held and exercised by those who exercise the power to seize jurisdiction." It is a question of who gets into the saddle first, and we in this country have to watch and see what occurs when the saddle is seized. I personally feel a grave discomfort—

1.30 p.m.

Mr. Austin: The hon. and learned Gentleman has said that we are going to watch and see after 15th May. Would he agree that in the circumstances, if there is no competent authority, British

troops and property are bound to be involved and that there is possibility of loss of life?

Mr. Manningham-Buller: It is absolutely clear, notwithstanding our giving up the Mandate on 15th May, that British troops, British civilians, British subjects and those who remain in Palestine after that date are likely to incur great risks and injury as well as loss of life. That appears to me to be a side issue, although a very important issue, from the point under discussion now, which is who is to have the right to exercise jurisdiction when we give up? Are the Government in this country accepting the position that when we give up there will be a void and a vacuum, with no one having the technical right to exercise jurisdiction? That void and vacuum might remain for quite a little time. We ought to get an answer to that, and the answer can be given quite shortly. What we want to know is, not whether we assume the United Nations will have authority and power to exercise jurisdiction, but whether His Majesty's Government recognise that the United Nations have the right after 15th May to exercise jurisdiction over that country?

I must say one word in conclusion having heard the argument of the right hon. Gentleman which indirectly, though not expressly, cast some doubt on the view I previously expressed. We on this side of the Committee cannot support the Amendment, which, in our view, would appear to be unnecessary.

Mr. Ivor Thomas (Keighley): I do not know whether my right hon. and learned Friend is going to accept the invitation given by the hon. and learned Gentleman the Member for Daventry (Mr. Manningham-Buller), but I feel that some demurrer should be made at once to the idea that on 15th May jurisdiction will pass automatically to the United Nations. I am not dealing with the desirability or the undesirability of such a course. I hope hon. Members will understand that quite clearly, but this is a matter of international law and this particular question alone has many complicated aspects. There can be no doubt that the Mandate was conferred upon the United Kingdom not by the League of Nations but by a number of associated Powers.

Mr. Manningham-Buller: I quite agree that it was conferred by the Allied Powers after the first world war, but we accepted the Mandate, as is shown quite clearly, on behalf of the League of Nations, which is to say that we exercised it on behalf of the League of Nations. Therefore, I would argue that if we had given up the Mandate during the existence of the League of Nations that body would have the right to exercise those powers automatically, because they would revert to the League of Nations.

Mr. Thomas: The League of Nations had certain powers in this matter, but they were limited so far as one can see to the examination of the Mandatory power in respect of its administration. Undoubtedly the United Nations, as successor to the League of Nations, would inherit those powers, but the League of Nations never had any sovereign power over Mandated territories, nor can the United Nations have such power.

Mr. S. Silverman: Supposing for the sake of argument that my hon. Friend's view is right and there is no automatic reversion of sovereignty *de facto* or *de jure* to the United Nations on 16th May, can my hon. Friend say what he imagines the position will be?

Mr. Thomas: No, Sir, I deliberately refrained from so doing. There are two purposes for putting Amendments down. One is to secure an improvement in the Statute and the other to elicit a statement of policy from the Government. So far as I am concerned, no statement is necessary. The attitude of the Government was made abundantly clear in this House and at Lake Success.

Mr. Janner rose—

Mr. Thomas: No, I will not give way for the moment.

Mr. Janner: I just wanted to assist the hon. Member.

Mr. Thomas: I am almost inclined to say with the poet, *non tali auxilio* in such cases. The Government have made their attitude abundantly clear. They have said that they accept the decision of the United Nations, and that they will facilitate them, but that they have no power to use British Forces to carry it out. There has not been the slightest deviation from that attitude by the Government, and all we can do to

give effect to that policy is in our domestic legislation. The only real objection that matters to this Amendment is that we cannot legislate for the existence of this jurisdiction for the United Nations. Bills ought to be drafted properly, for we have had enough complaints about shabby draftsmanship. Let us put into the Bill only something which we have power to do, not something which we have not power to do. We have heard many metaphors this morning, and I will use another one. A horse can be brought to the water but he cannot be made to drink. The United Nations horse galloped to the water first, but it appears to be jibbing now it has got to the water.

This Bill faithfully carries out the Government's intention. All we can do in this Bill is to terminate the jurisdiction of His Majesty in Palestine. Had there been time I should have liked to deal with precedents, but I will only deal with one, namely, the case of Iraq. I have no recollection of any statute being passed making provision for the transfer of His Majesty's jurisdiction to King Abdullah.

Mr. Janner: There was agreement.

Mr. Thomas: Exactly, these are not matters for legislation, but should be dealt with by treaty or by some other Executive action.

Mr. Janner: Before the hon. Member sits down I should like to ask him a question—

The Temporary Chairman (Mr. Burden): Mr. Silverman.

Mr. Janner: On a point of Order. I should like to ask my hon. Friend a question, would he explain what he thinks the League of Nations ----

The Temporary Chairman: That is not a point of Order.

Mr. S. Silverman: When the Colonial Secretary said "This matter is abundantly clear," and then found it necessary to go on saying it in every second sentence until he finished his speech, and when everybody else repeats the statement that the thing is abundantly clear, it seems to me to demonstrate that there is no clarity about it at all. I do not understand the hon. and learned Member for Daventry (Mr. Manningham-Buller). He weighed in very loyally, generously

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[Mr. Silverman.] and courageously to support the Government in this matter on a perfectly definite assumption which he thought he was entitled to make—and I understand he still thinks he is entitled to make it—namely, that whatever is done in this Bill, whether it is said or not said, or whether it is said by this Amendment, by some other Amendment or is left out altogether, it is abundantly clear that automatic sovereignty *de jure* will go to the United Nations, and sovereignty *de facto* to anybody the United Nations, in time manage to get past the Colonial Secretary into Palestine.

I understand his argument so far; on that assumption he would no doubt be entitled to say, "Never mind the Amendment; we cannot support you on that; the thing is clear anyhow." Can he still say that after he has heard the Colonial Secretary, or after the intervention of the Attorney-General, who said that sovereignty will be exercised by whoever is there, or by the United Nations Commission if it is there? So far it is not there, and when the Colonial Secretary, in the last part of his speech, said the Government had been continually warning the United Nations about the approach of this fatal date, 15th May, and that it was the responsibility of the United Nations, I thought he was endeavouring to do something which is quite impossible, to alternate, as he did at Lake Success, between, on the one hand, striking an attitude of injured innocence and moral indignation and, on the other side, taking a cue from a character in Tommy Handley and taking upon himself all the modern exhortations of "Charlie Come-Come." If the United Nations have done nothing so far to carry out the responsibilities which may be theirs, or may not be theirs, on 16th May, it is because my right hon. Friend would not let them.

Mr. Creech Jones: Nonsense.

Mr. Silverman: The right hon. Gentleman says "nonsense." Why are they not there? The Attorney-General says they can exercise jurisdiction only if they are there, but they are not there, and they are not there because my right hon. Friend will not let them in.

Mr. Ivor Thomas: Has not this point become irrelevant, whatever relevance it may have had in the past, because has

not the Palestine Commission said it can not go there without an international force, and that is for the Security Council to provide?

Mr. Silverman: I do not think it has said anything of the kind. I heard the Colonial Secretary say it has. So we are back in the position in which he left us with his Second Reading speech, and in which I say, in all humility, he has no right to leave the House of Commons. Is there to be a United Nations Commission in Palestine on 16th May or not? Are we to make our plans on the one assumption or the other? Are we to get no answer to all to that? [An Hon. Member: "No, we do not get one."] I really think this is quite disgraceful and if you will accept it, Mr. Burden, I would like to move to report Progress and ask leave to sit again.

The Temporary Chairman: I am not prepared to accept that Motion.

Mr. Silverman: Whether it is accepted or not, the position now is that the Committee is being asked to pass this Clause, and the House ultimately will be asked to pass this Bill, without knowing whether any of the assumptions on which it is founded are a fact. The Colonial Secretary, indeed, is saying that these assumptions will not be a fact. Is he now going to say whether the Commission will be there on 16th May or not? It is quite pitiful—utterly and completely pitiful. The right hon. Gentleman sits on the Front Bench in a Labour Government, after the years he has devoted to the advocacy of a Jewish National Home in Palestine—he has risen to power, he has risen to his present position in the Cabinet by his faith in that idea—and now says that this is where we are going to leave it—we do not know whether any one is coming in our place or not, and we do not care. Is that the right hon. Gentleman's position? Is that what he is saying now?

1.45 p.m.

There should be no assumption that there is to be jurisdiction; there is no automatic jurisdiction, no automatic reversion of jurisdiction to the United Nations, and no actual sovereignty, on the assumption made by the Attorney General, because we know that nobody will be there at all, that is to say, on 16th May Palestine is to be an international no-man's land, where no writ runs at all, where there is no authority and no law

and no one with the right to exercise either. That is what my right hon. Friend calls accepting the decision of the United Nations.

At least we have got this much out of the discussion; it is now plain that this pretended acceptance of the United Nations decision is poppycock. Whether the Mandate was bogus or not, the acceptance of the United Nations decision, upon the present view of the matter, unless it is cleared up, is admitted to be bogus. The Government do not expect anyone to take their place; they expect no law, no government, no authority, no order, no power of any kind, and they are not prepared, in those circumstances, to put into their Bill any words recognising any authority of any kind in the United Nations. I wonder now what the hon. and learned Gentleman opposite thinks about this Amendment.

Mr. Manningham-Buller: I will tell the hon. Gentleman if he wishes. My views have not changed at all from the views I expressed quite recently.

Mr. Silverman: I do not doubt that. Clearly it is the hon. and learned Gentleman's entitlement to reach a view that automatically power will go to the United Nations, but surely he is sitting on the Opposition Front Bench at the moment and not on the Government Front Bench, so whether power goes automatically to the United Nations or not must depend not merely on his opinion but on what the Government accept. The Committee has heard that the Government do not accept that. The hon. and learned Gentleman may be right about it legally. Why not make sure, then, that what is right legally is accepted by the Government by putting into this Bill what is the reason for which he is accepting it, unless he, too, is in this business of paying as much lip service as possible in the hope that chaos will supervene and that out of anarchy can be obtained what cannot be obtained out of order.

The Attorney-General: There appear to be two matters involved in the discussions we have had on these Amendments today. One relates to a question of policy and the other relates to a question of law. I shall say nothing on the matters of policy. So far as the questions of law are concerned, two fallacies seem to underlie the discussions we have had. One is that

we can make international law by means of statutes of the United Kingdom Parliament and the other is the complete fallacy that juristic sovereignty can be transferred and passed like a sack of potatoes, or that it devolves, or that there is reversion in it in the way there may be in regard to a plot of land.

Juristic sovereignty is not capable of transfer in that manner nor is it subject to notional conveyance. Where juristic sovereignty lies depends very largely upon the facts. I did not intervene earlier in these discussions because on this matter I thought I had made my position and my view, for what it is worth—and it may be worth very little indeed—perfectly clear in the Debate on Second Reading. As it does not appear to have been clear to some hon. Members, I will repeat now what I said then:

"If the United Nations is able, as we all hope it will, to exercise effective control, then Palestine will become an area entitled to legal recognition in international law as a legal entity under the control of the United Nations and held in trust with a view to its development, according to the wishes of the United Nations. If, most unfortunately, the United Nations Commission does not succeed in its task and if then the Jews and Arabs, faced as they would then be, by the dread alternative, do not find some accommodation between themselves and do something which no Act of this Parliament can ever do, establish for themselves their own form of government and make their own arrangements in Palestine, the position in that unhappy country will be that it would no longer have any *de jure* government or be entitled to recognition in international law." [OFFICIAL REPORT, 10th March, 1948; Vol. 448, c. 1320.]

Whether, as a matter of international law, the right—the technical right, as the hon. and learned Member for Daventry (Mr. Manningham-Buller) called it—to exercise jurisdiction will pass to the United Nations is a most difficult and controversial matter. Indeed, it was suggested that it was a matter which ought to be submitted to the International Court, but that course was not adopted. It is certainly not a matter which will be settled by any *ipse dixit* from me or—if I may say so, with respect—from the hon. and learned Member for Daventry. My own view—and I do not put it forward in any confidence that it is necessarily the correct view; the hon. and learned Member may be correct in his view, because it is a matter quite without precedent, and one on which the leading authorities in international law take different views

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Question put accordingly, "That The Committee divided: Ayes, 124; Noes, 17.

Division No. 101.

Adams, Richard (Batham)
Attewell, H. C.
Ayles, W. M.
Bacon, Miss A.
Barlow, P. G.
Barton, C.
Battley, J. R.
Beshervaise, A. E.
Beswick, F.
Bevan, Rt. Hon. A. (Ebbw Vale)
Blinn, J.
Bottomley, A. G.
Bowles, F. G. (Nuneaton)
Bruce, Maj. D. W. T.
Burden, T. W.
Callaghan, James
Champion, A. J.
Chater, D.
Cluse, W. S.
Colindridge, F.
Colman, Miss G. M.
Corbett, Mrs. F. K. (Camb'well, J.W.)
Crawley, A.
Cripps, Rt. Hon. Sir S.
Daines, P.
Dobbie, W.
Donovan, T.
Dumpleton, C. W.
Dye, S.
Ede, Rt. Hon. J. C.
Edwards, W. J. (Whitechapel)
Evans, Albert (Islington, W.)
Fairhurst, F.
Gaiskell, Rt. Hon. H. T. N.
Ganley, Mrs. C. S.
Gibson, C. W.
Gordon-Walker, P. C.
Guest, Dr. L. Haden
Hale, Leslie
Hall, Rt. Hon. Glenvil
Harrison, J.
Hastings, Dr. Sgmerville
Herbison, Miss M.

Austin, H. Lewis
Field, Capt. W. J.
Holman, P.
Janner, B.
Lipton, Lt.-Col. M.
Mack, J. D.
Mackay, R. W. G. (Hull, N.W.)

AYES.

House, G.
Hudson, J. H. (Ealing, W.)
Irving, W. J. (Tottenham, N.)
Isaacs, Rt. Hon. G. A.
Jay, D. P. T.
Jones, O. (Winchester)
Jones, Rt. Hon. A. C. (Shipley)
Jones, Elwyn (Plaistow)
Jones, J. H. (Bolton)
Jones, P. Asterley (Hitchin)
Keenan, W.
Kenyon, C.
Key, C. W.
Kingham, Sqn.-Ldr. E.
Kinley, J.
Lawson, Rt. Hon. J. J.
Leslie, J. R.
Lynn, A. W.
McAdam, W.
McEntee, V. La T.
McKay, J. (Wallsend)
McNeil, Rt. Hon. H.
Manning, C. (Camberwell, N.)
Marquand, H. A.
Mathers, Rt. Hon. George
Mellish, R. J.
Moyle, A.
Naylor, T. E.
Neal, H. (Claycross)
Oliver, C. H.
Parker, J.
Pearson, A.
Pearl, T. F.
Perrins, W.
Proctor, W. T.
Pursey, Cmdr. H.
Ranger, J.
Rees-Williams, D. R.
Ridealgh, Mrs. M.
Rogers, G. H. R.
Ross, William (Kilmarnock)
Royle, C.
Sargood, R.

NOES.

Manning, Mrs. L. (Epping)
Nichol, Mrs. M. E. (Bradford, N.)
Orbach, M.
Pazet, R. T.
Piratin, P.
Silverman, J. (Erdington)
Silverman, S. S. (Nelson)

Scott-Elliott, W.
Shackleton, E. A. A.
Shawcross, Rt. Hon. Sir H. (St. Helens)
Simmons, C. J.
Skillington-Lodge, T. C.
Skinnard, F. W.
Snow, J. W.
Sorenson, R. W.
Saskie, Sir Frank
Sparks, J. A.
Steele, T.
Stewart, Michael (Fulham, E.)
Strauss, Rt. Hon. G. R. (Lambeth, N.)
Summerskill, Dr. Edith
Symonds, A. L.
Taylor, H. B. (Mansfield)
Taylor, R. J. (Morpeth)
Taylor, Dr. S. (Barnet)
Thomas, D. E. (Aberdare)
Thomas, Ivor (Kelsley)
Thomas, John R. (Dover)
Tolky, L.
Viant, S. P.
Wallace, G. D. (Chislehurst)
Wells, P. L. (Faversham)
Wells, W. T. (Walsall)
White, H. (Derbyshire, N.E.)
Whitely, Rt. Hon. W.
Wilcock, Group-Capt. C. A. B.
Willey, F. T. (Sunderland)
Willey, O. G. (Cleveland)
Williams, D. J. (Neath)
Williams, J. L. (Kelvingrove)
Williams, R. W. (Wigan)
Williams, W. R. (Heston)
Woodburn, Rt. Hon. A.
Young, Sir R. (Newton)
Younger, Hon. Kenneth

TELLERS FOR THE AYES.
Mr. Joseph Henderson and
Mr. Wilkins.

Solley, L. J.
Vernon, Maj. W. F.
Weitzman, D.

TELLERS FOR THE NOES.
Mr. Warbey and Mr. Mikardo

2.15 p.m.

Mr. Mott-Radcliffe (Windsor): I beg to move, in page 1, line 16, at the end, to add:

"or the right of His Majesty to protect the lives and property of British subjects."

It seems to us that Subsection (2) of the Clause is much too narrow. Clearly, the Government are under an obligation to protect the lives, interests and property of British civilians in Palestine, in addition to the lives and property of the British Forces. There are a large number of civilians who will be left in Palestine after 15th May. There are business firms; there

are various religious institutions; there are hospitals; and there are clerks working in a civilian capacity. None of these are, in a technical sense, related to His Majesty's Forces, and unless this Subsection is more widely drawn we think that the safety and protection of these people and their property may well go by default. There may well be a number of citizens of British nationality left behind in civilian hospitals, and the Government must take some responsibility for seeing that they are protected in the event of such violence as may take place after 15th May.

The Attorney-General: I can certainly give an assurance that everything possible will be done to protect the lives and property of British subjects, but the matter is not one which it would be appropriate to deal with in this Bill. After the appointed day Palestine will become, in effect, foreign territory and nothing done under an Act of the United Kingdom Parliament could, as a matter of international law, in any way affect the rights which His Majesty possesses to protect British subjects and British property abroad. Nor is there anything in the Bill which in any way detracts from or diminishes those rights. While British troops are in process of withdrawing, after 15th May and before 1st August, they will, as a matter both of international and English law, be entitled to do whatever is necessary for the protection of British interests in the area which they actually occupy.

They certainly will do whatever is necessary for that purpose, and, indeed, will do whatever they can effectively do for the general protection of British interests. Anything that they do in good faith and in the execution of their duty will either be an act of State and, therefore, not subject to suit in the courts of this country, or will be covered by the indemnity provision contained in Clause 2 of the Bill. The Amendment which the sponsors of this Amendment have put down to Clause 2 is one we should be prepared to accept, and will make it quite clear that that indemnity will be available—

Mr. Pickthorn: It is that Amendment to line 13?

The Attorney-General: Yes, it is in page 2, line 13, and it is in practically the same form of words as this Amendment. When we come to that Amendment, and it is embodied in the Bill, if the Committee see fit to adopt it, the position will be quite clear, and the indemnity Clause will apply in respect of acts done for the protection of British subjects or property after the appointed day. What we cannot properly do by United Kingdom statute, and what this Amendment would appear to seek to do, is to provide that when we have left Palestine, and it has become, as it will, in relation to the United Kingdom, a foreign country, we should retain any kind of territorial

jurisdiction there. It will be a foreign country, and we are not entitled, by an Act of our Parliament, to retain territorial jurisdiction.

All that we can and do retain—and this Bill does not affect the matter in the slightest degree—is the right and no doubt the duty of His Majesty to give whatever protection he can to British subjects, by diplomatic intervention, by invoking the authority of the United Nations, and, in the last resort, by the use of force. That right does not in any way depend on statutes. I can give an assurance on behalf of His Majesty's Government that it will be fully exercised, and that everything possible will be done. Nothing in the present Bill diminishes that right, as a matter of international law at all events, nor could this Bill increase it. In those circumstances, hon. Members may find it possible to withdraw this Amendment.

Mr. Pickthorn: I hope that I can be brief. I accept as authoritative the Attorney-General's explanation of law, but there were two small points about which I was not quite sure that I followed him. Perhaps he would be kind enough to correct or supplement his remarks if he thinks it necessary after hearing mine. One was when he talked about the rights which British troops will have for the protection of themselves and of British interests. Is it not true that the word "interests" there must be taken in a very narrow sense? Indeed, I am prepared to believe that nothing that we could put into this Bill could widen it. But I think that if "British interests" are taken in what might be called the normal sense of political conversation, the Attorney-General might have been supposed to have said that our troops preserved larger rights there than they do. Surely it is only "interests" in a narrow sense to protect themselves, British lives, and British things, actual physical things.

The second point I should like to put refers to what the Attorney-General said to the effect that upon our evacuating this territory it becomes "foreign territory." I am not quite certain that that is quite a fair form of words. Normally, at any rate, it is presumable that foreign territory is the territory of some other sovereign than His Majesty. Normally

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[Mr. Pickthorn.] when one speaks of going from this country to foreign territory the use of "foreign territory" in that connotation means territory where someone other than His Majesty is sovereign. It may be remembered that during the Second Reading Debate the Attorney-General said:

"Palestine clearly will not be an independent sovereign State and for some time, at least, it will not have an independent government, assuming, as we must assume, that it has a government at all."—[OFFICIAL REPORT, 10th March, 1948; Vol. 448, c. 1320.]

Why must we assume that? It seems rather like the economic policy we get from the Government, "Assuming that there is plenty of food," "Assuming that there is more employment," or "Assuming that the £1 is really worth 20s." and so on and so on. But here we are not only concerned with political but with legal effects.

I should like the Attorney-General to say, and I shall not be hurt if he says that I am talking nonsense, for those of us who are not legal experts may very well fall into nonsense when under duty to probe doubts on a matter such as this. I should also like the Attorney-General to say whether, when Palestine becomes in effect foreign territory, it does so to all the effects of international law as previously understood. If not, I do not say that this Amendment becomes obligatory and necessary, but at any rate some explanation of what this Amendment seeks to do can be done, and how far it can be done, ought really to be given to us; whether I am right there is something new and unexplained in international law here, the question arising that Palestine may cease to have a *de facto* or *de jure* sovereign at all, although the Attorney-General's argument, the previous half of his argument was on the assumption that there would be a sovereignty, at least a government, at any rate of some sort.

Mr. Solley: I rise in order to seek assistance from my right hon. and learned Friend. I hope that I am in Order in doing so because I want his opinion in relation to Subsection (2) of this Clause. It is in relation to that Subsection that this Amendment has been moved.

The Deputy-Chairman: I am afraid we cannot anticipate a Debate upon the next

Clause. Hon. Members must keep to the Amendment which is before the Committee.

Mr. Solley: In those circumstances, it will be better if I seek that information when we reach the Motion "That the Clause stand part of the Bill."

Viscount Hinchinbrooke (Dorset, Southern): I have been away, and it is quite possible that I may not have noted all the details of His Majesty's Government's proposals for Palestine. One thing the Attorney-General said, however, disquieted me. He said that there would henceforth be no jurisdiction over any part of Palestine territory. I wonder whether he has appreciated the full significance of that, and whether anything has been proposed in the way of a legation or consular office so that some corner of England will remain in Palestine to which His Majesty's subjects can repair, if at all possible, in the event of some major emergency developing in Palestine. This Amendment seeks to protect the lives and property of His Majesty's subjects, and after all, even in Roumania, behind the "Iron curtain" we still have a legation—

The Attorney-General: Perhaps I can assist the noble Lord. We do not talk about jurisdiction when we are referring to consulates or embassies. The presence of a consulate or embassy in a foreign country does not give His Majesty any jurisdiction in that country. We do intend to have consular representation.

Viscount Hinchinbrooke: The Attorney-General says "consular representation," but will there be, in fact, a corner of Palestine territory with the Union Jack flying over it, where some protection can be accorded to His Majesty's subjects?

The Attorney-General: That was answered in "consular representation."

Major Beamish: I think that the whole Committee welcome the Attorney-General's assurance that it is the intention of His Majesty's Government to protect British interests in Palestine after 15th May. I believe that the words he used were "everything will be done" to protect those interests. He later said "in the area actually occupied." I hope that that did not indicate any narrowing of the assurance which he gave to my hon.

Friend the Member for Windsor (Mr. Mott-Radcliffe), who made quite clear the object of the Amendment we put down. The Attorney-General also indicated that a subsequent Amendment was acceptable to the Government. I hope that he will make it clear whether, when he said "In the area actually occupied" there was any intention to narrow down the assurance he gave. I hope that that was not so.

2.30 p.m.

Major Legge-Bourke (Isle of Ely): I wish to follow up what the Attorney-General said in reply to my noble Friend the Member for South Dorset (Viscount Hinchinbrooke). He said that he could give an assurance that there would be a consulate or the equivalent. But how can he give that assurance? Surely, a consulate cannot be set up unless there is a government to whom British matters can be presented? Will the right hon. and learned Gentleman also say how the position of a consul to the United Nations will differ from a consul to another sovereign State? It seems to me that a consular establishment normally exists in another sovereign State very largely because it is another sovereign State in which we have no direct interest at all. Can we, in fact, have a consul to ourselves when we are part of the United Nations? I should be grateful if the right hon. and learned Gentleman could clear up those points.

The Attorney-General: That raises a very interesting juristic problem. The United Nations is an entity completely distinct from ourselves; one must regard it as something quite separate and distinct in international law. But, if the United Nations are in control, we shall be able to have a consul there, accredited in much the same way as consuls are accredited to other sovereign States. If the United Nations are not in control, and there is no other Power which assumes *de facto* and *de jure* rights of sovereignty, the position will, of course, be more difficult as a matter of international law. All I can say is that we intend to have somebody there.

Mr. Mott-Radelyffe: I am grateful to the right hon. and learned Gentleman for his assurance in respect of this Amendment, and his assurance that a later Amendment will be accepted. Before

asking leave to withdraw my Amendment, I wish to ask him one specific question. Will he say exactly how wide the phrase:

"jurisdiction of His Majesty in relation to any of His Majesty's Forces" can be interpreted? Would it apply to the building and the patients of a military hospital in, say, Jerusalem?

Major Beamish: Could the right hon. and learned Gentleman answer at the same time my point about the area actually occupied?

Mr. Solley: On a point of Order. If you are going to permit questions relating to the jurisdiction of His Majesty, Mr. Beaumont, which is one of the matters I had in mind, would you permit me to speak on it, or would it be out of Order?

The Deputy-Chairman: I think, perhaps, it would be out of Order on this Amendment.

Mr. Mott-Radelyffe: As the Amendment relating to the interpretation of Subsection (2) was intended to widen the scope of that Subsection, I thought I would be in Order to ask whether the phrase:

"jurisdiction of His Majesty in relation to any of His Majesty's Forces?" would or would not include a military hospital with service patients inside it?

The Attorney-General: If a military hospital were being conducted by His Majesty's Forces at the time, His Majesty would certainly retain jurisdiction under the Clause over the personnel there.

Mr. Mott-Radelyffe: I beg to ask leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Mr. Piratin (Mile End): I beg to move, in page 1, line 16, at the end, to add:

"Provided that those of His Majesty's forces which may be in Palestine shall be withdrawn from Palestine on or before the first day of August nineteen hundred and forty-eight, and none of His Majesty's forces shall remain in any part of Palestine after the said date."

I think the arguments in support of this Amendment are quite clear, and I hope that the Minister may see his way to accept it. They arise from discussions which took place in the Second Reading Debate a week ago. We all know that the wish for British Forces to leave Palestine is universal; it is common on the part of

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[Mr. Piratin.] all sections in Palestine. I am certain it is the wish of every party represented in this House, and of the people of the whole country, that our troops shall be withdrawn from what has become a very tragic situation for all concerned. I should like to see them withdrawn in their own interests and those of their relatives, even on 15th May, the date of the termination of the Mandate. Of course, that may be impracticable.

Earlier on, the Minister gave a date; he said that the date fixed for the withdrawal of troops would be 1st August. I can see no reason why, if that date has been given, it cannot be included in the Bill. There will be a period of two and a half months between 15th May and 1st August. Whereas, before today, there was no definite date for the ending of the Mandate, the Minister has now seen fit, and very wisely, to introduce an Amendment defining the appointed day as 15th May. Therefore, we know quite definitely that, between those two dates, there are two and a half months. I believe it is possible to withdraw such troops as are in Palestine in that period of 10 or 11 weeks. If the Minister thinks otherwise, then it is a matter which ought to be stated now. At the same time, it may be argued that, when the Mandate is ended, it will be necessary to have consultations with others concerned, with the United Nations Commission and with the new governments in Palestine.

On the Second Reading, there was something about which I was not clear—I do not think it was ever satisfactorily answered—and about which the right hon. Member for Saffron Walden (Mr. R. A. Butler) also asked for an explanation. It was the gap between 15th May and 1st October, to which the Minister referred on that occasion. In my opinion, the Minister never gave a satisfactory explanation of that length of time or of what was to be the state of affairs then.

As I understand it, on 16th May, the new governments may be established in Palestine. If such new governments are established by the Jews and Arabs, then I can understand that His Majesty's Government would have the responsibility of consulting with them as to the best manner and the period in which the withdrawal of our Forces from a country governed

by other governments should take place. The Minister might argue that he wants to consult with such new Governments. If that is the case, I still think that it would be an excellent thing for the country to know that, whatever is the intention and wish of those new Governments, we are determined that no longer period shall expire after the ending of the Mandate than those ten weeks before all our troops are withdrawn.

We have heard that it is intended to withdraw the troops to other parts of the British Empire not far distant from Palestine itself. Therefore, if I may appreciate any argument, I feel that it cannot be such an impracticable task, because the proposition is not that all the troops should be withdrawn to the United Kingdom, but that they should be withdrawn to locations nearby in the Middle East. That, I understand is the proposition of the Government. Therefore, I feel that there is a very strong case on every ground for the Minister accepting this Amendment. I hope he will see fit to do so.

Mr. Solley: We are indebted to the mover of this Amendment for giving us an opportunity to indicate a most serious omission from the Bill. Although I am not entirely in accord with the wording of the Amendment, about which I shall say a little in due course, it certainly gives us the opportunity to observe that, whereas the Bill makes minute provisions in respect of the rights of His Majesty's subjects after the appointed day, it says nothing whatever about how long those rights are to continue.

In point of fact, under Subsection (2), it is quite clear that the jurisdiction of His Majesty in relation to the Armed Forces is to continue in Palestine after the appointed day. It is also clear from Clause 2 that no action can be brought in any civil court in respect of any matter, be it civil or criminal, which arises after the appointed day. Therefore, we have the somewhat anomalous and startling position that for an indefinite period—possibly for years—there will be two jurisdictions side by side in Palestine, one the jurisdiction of His Majesty in relation to the Forces still remaining in Palestine, and, the other, the jurisdiction or jurisdictions of the Palestine Government or governments then obtaining.

It seems clear that we ought to put some date in the Bill after which its wide provisions for the safeguard of His Majesty's subjects in Palestine should come to an end. If that is not done, it may well be that, merely because of a political reason His Majesty's Government desire to have troops in Palestine for two years, they will be completely protected in anything they wish to do. There is nothing in the Bill to prevent that state of affairs arising or to ensure its coming to an end. I think all Members will agree that the sooner our troops are out of Palestine the better it will be for everybody, and for our own finances. Rehabilitation in Palestine will be assisted if the day on which the last of our Forces is brought out is made as near as possible.

I can understand the difficulties involved in the Amendment. His Majesty's Forces might have to go to Palestine after the appointed day. I hope it may never be so, but if it were, the Amendment would prevent His Majesty's Government from sending soldiers there. That is a pure technicality; it is the object of the Amendment which is of importance. It would meet the wishes of all Members on this side of the House if a target day were fixed after which no British soldiers would remain in Palestine, to risk their lives and the treasure of this country.

2.45 p.m.

The Under-Secretary of State for the Colonies (Mr. Rees-Williams): The fears expressed by the hon. Member for Mile End (Mr. Piratin) and my hon. Friend the Member for Thurrock (Mr. Solley) form part of the general distrust which was expressed at one time in regard to the intentions of His Majesty's Government. I assure the Committee that we have no intention whatever of leaving our troops in Palestine later than 1st August. That is the date to which we are now working. The shipping programme has been arranged accordingly. The accommodation for the troops is now being prepared so that by 1st August all the men at present in Palestine will have accommodation in other parts of the world.

It may be that matters which are now unforeseen may arise and that some troops may, in those circumstances, remain in Palestine. We do not expect that that will be the case, but it may be

so. Therefore, we feel that it would be inadvisable to tie the military commanders down by Act of Parliament in a way which might cause them considerable disturbance. We have told them, and they have agreed, that 1st August must be the date by which all must leave.

Sir Patrick Hannon (Birmingham, Moseley): How will that affect the continuity of a certain section of the troops, and the appointment of a governor responsible for the Holy Places?

Mr. Rees-Williams: That is an entirely separate matter. The termination of the presence of our troops in Palestine is unaffected by the arrangements to which the hon. Member has just referred. We are discussing the military withdrawal, which we expect will be completed by 1st August. The only question is whether that date should be inserted in an Act of Parliament. We think not, because it would tie the hands of the military commanders in a way that we think they should not be tied. That is the only reason. There is no ulterior motive whatsoever in our proposal. It is merely a question of allowing a certain amount of elasticity to the commanders if circumstances which are now unforeseen should make it essential for troops to remain after that date.

Mr. Piratin: The hon. Gentleman has said that matters might arise which would require our troops to remain. Would he please elucidate that point further? No one has suggested there are ulterior motives. The Government have said that they want their troops withdrawn, and every party in the House has said the same. There is no ulterior motive entering into the question at all. The only question is whether the Minister feels that the date should be in the Bill. If such undefined matters arise as have been referred to by the Under-Secretary, how long would it have to endure, for our troops to have to remain in Palestine? If there were circumstances of the kind which the Minister has in mind and has not expounded to the Committee, and if they continued for one, two or three years, could our troops so remain? If so, what is the point of the Minister saying that our target date is to be 1st August. Secondly, by whose authority would our troops remain in Palestine when the British Government no longer have responsibility

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[Mr. Piratin.]

for administration and when other governments were established? Would our troops remain by the permission of those governments or in spite of them? I ask the Minister for reasonable answers to these questions, and then I might wish to withdraw the Amendment.

Mr. Rees-Williams: I am glad to have the hon. Gentleman's assurance that he does not impute any ulterior motive to His Majesty's Government. We do not expect that troops will remain in Palestine, but there may be unforeseen difficulties. There may be a storm, a serious storm, which might wreck a troopship. [Laughter.] Yes. I am not a prophet. There may be other reasons of a physical nature.

Mr. R. A. Butler: Caused by the clerk of the weather?

Mr. Rees-Williams: Yes, certainly, and they may render the military programme of withdrawal difficult. Everybody who has had anything to do with such a programme knows that it is a most difficult one to execute and is always liable to go wrong. For those reasons only do we not wish to include in the Bill anything which would tie the hands of the Commander-in-Chief to a particular date. He is working to that date and I have no reason to doubt that by 1st August the last British troops will have left or that on 1st August the last British troops will leave. As to the point by the hon. Member for Mile End about authority, that matter ought perhaps to be addressed to the Attorney-General, but the authority between 15th May and 1st August will be that of the Commander-in-Chief. Actions done then will be done in his name, by virtue of his authority and under his instructions—

Mr. Piratin: The Minister is proceeding very satisfactorily, but would he be kind enough to say by whose authority the Commander-in-Chief would act after 1st August?

Mr. Rees-Williams: After 1st August the Commander-in-Chief would act by the same authority by which he has acted before the 1st August—that is by his own authority. 1st August is merely a date which we have fixed. It has no legal sanction. It is the datum line, and whatever is done before or after is done under the Commander-in-Chief's authority.

Mr. David Renton (Huntingdon): I am glad that the Government are not going to accept this Amendment, which appears to me to be purely a wrecking Amendment. It is difficult to tell what it is intended to wreck, but one thing which is quite certain is that among other things which it may be intended to wreck is wreck the last-minute opportunities of any British troops who happen to remain to do what they can in accordance with the British Army's usual standards of honour, fidelity and duty. As the Under-Secretary has said, it is impossible to tell what may happen between now and 1st August. Perhaps the hon. Member for Mile End (Mr. Piratin) can enlighten the Committee. Nevertheless: "There's many a slip . . ." and it is essential that the Government should retain power to meet such contingencies as might arise with any troops which we still happen to have on the spot. For once, I am pleased to congratulate the Government upon their firmness.

Major Beamish: I want to say a few words in support of the Minister and in opposition to what has been said by the hon. Member for Mile End (Mr. Piratin). I believe that it may be possible, and I hope that it will be possible, to withdraw all British Forces from Palestine by 1st August. However, the hon. Member for Mile End asked by what authority British Forces might remain after that date. Perhaps I might say that they would remain with a great deal more authority than General Markos has in keeping his Forces in Greece, which would seem to be something about which the hon. Member should think. It would be quite unfair to tie down the Government to any precise date in this connection. Supposing there were some very bad hospital cases which could not possibly be moved out of Palestine. Surely the hon. Member for Mile End does not suggest that we should simply leave them in a country which might be in chaos? Supposing that British ships which are taking our Forces out of Palestine are sunk by the Irgun Zvai Leumi or the Stern Gang, as they have been sunk before. What would we do then? Suppose the supporters of the hon. Member for Mile End organised an illegal strike. They have done that before. They are behind practically every illegal strike in this country. Suppose that happened again. For those

few reasons—I hope I am not getting out of Order, Mr. Beaumont—

The Deputy-Chairman: The hon. and gallant Gentleman may not be out of Order, but he is very close to it.

Major Beamish: I am very sorry, Mr. Beaumont. I will conclude—

Mr. Piratin: On a point of Order, Mr. Beaumont. Is it in Order for an hon. Member to call another hon. Member opposite a "twerp?"

The Deputy-Chairman: I did not hear the word. I would have to ask for a definition. The best thing to do is to ignore it.

Mr. S. Silverman: Will the hon. and gallant Member allow me? I was wondering how he could define what is an illegal strike in a country where nobody has any jurisdiction?

Major Beamish: The hon. Gentleman is making a point which is quite irrelevant. Obviously I was referring to a strike which might take place in a ship which was to remove British Forces from Haifa—

Mr. S. Silverman: Would it be illegal?

Major Beamish: Most certainly it would be illegal in the event of its not being a strike which was authorised by the trade union in question. Anyhow, I am quite obviously being led astray. I will conclude by saying that for once I feel very well able to support the Government.

Amendment negatived.

Motion made, and Question proposed, "That the Clause, as amended, stand part of the Bill."

Mr. R. A. Butler: We shall all agree that we have been passing through a very melancholy period in this Chamber, unheated and unwarmed as it is owing to the supine character of His Majesty's present Administration who are unable to sustain their normal—

The Deputy-Chairman: I am sorry to interrupt the right hon. Gentleman, but I cannot allow him to pursue that argument on this Bill.

Mr. Butler: I was only trying to explain my state of mind, Mr. Beaumont, in approaching the arguments before us. I wish to raise certain important matters.

Clause 1 is the vital Clause of the Bill. Many of us have waited a long time to take part in a Debate which has in the main been conducted between His Majesty's Ministers and their erstwhile supporters. We have now an opportunity of raising some matters which come more within the political than the legal sphere. I want, first, to raise certain points of detail and then I would like to make certain major points which arise on the subject of Clause 1.

First, the question of diplomatic representation. I raised this on the Second Reading of the Bill on 10th March. I received only a very partial reply from the Minister of State. He used, among other expressions, the rather general one that we had made draft plans for representation in the South Territory. I am not quite clear what that expression means. Perhaps he would be good enough to give us some clearer answer whether if Palestine is, in the terms of the Attorney-General, a foreign country, we shall have a diplomatic representative in Palestine who can do his best to represent our interests there. The Attorney-General has made references to consular representation. It would be unreasonable, if we were to find that consular representation is suggested to be wholly satisfactory, that we should complain. We want to be certain that there is either diplomatic or consular representation of such status that it can be effective in the extraordinary period which we are approaching after 15th May—

Mr. S. Silverman: To whom would it be accredited?

Mr. Butler: I am very much obliged to the hon. Member for Nelson and Colne (Mr. Silverman) because some of us on this side of the Committee thought that in his absence the Bill had lost some of its savour. He has arrived just in time to help me with my speech. This is a very difficult point upon which I feel sure we shall have the support of the Attorney-General as to whom such a representative would be accredited. Perhaps the Minister of State, who has come to the Committee this afternoon to help us, will be able to give us a more detailed account as to the authority to whom the diplomatic representative, either consular or ambassadorial, would be accredited. It is a difficult question to answer, but, the

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[Mr. Butler.] Prime Minister having now come down to take part in our discussions, we might have his assistance.

3.0 p.m.

Then I want to refer to an important matter to the individual citizen, the question of passports. At present Palestine residents are British-protected persons, and thus entitled to a British passport. When we give up the Mandate they will lose that status and all the international protection attached to it. It is not quite clear what will happen, for example, to Palestinians already in possession of British passports. I suppose that after the date that this Bill becomes operative, those passports will become invalid, and holders will have to look to the successor authority, or authorities, for new passports. There will also be Palestinians holding British passports temporarily resident in other countries, and I presume it would be for the country of domicile to provide an alternative passport for such unfortunate persons who would be deprived of their valid passport on that date.

I raise this question because, when I have had to intervene in a Palestine question before in much the same way as the Minister of State will have to intervene this afternoon, the question of passports has frequently been put to me. For example, one main argument in favour of a Jewish National Home was that at last the Jews would be able to have national passports of their own. Whether that eventuality emerges from the passing of this Bill is a matter of great conjecture, but we want to be certain what will be the position of those holding Palestinian passports and the circumstances of those citizens to whom I have just referred.

Then I would like to refer to the evacuation of ordinary British citizens who are not official and not military. Can the Government give us an assurance that facilities will be offered before 15th May for the evacuation of such persons in Palestine to wherever they want to go, presumably to this country, to the Middle East, to Cyprus or elsewhere? Can we have assurances that special schemes are being worked out for the infirm, the elderly or the impoverished to have such facilities before the date, since the time is

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rapidly running out? Then some of my hon. Friends on this side want to raise the question of the evacuation of our troops, to which reference was made in the Amendment moved by the hon. Member for Mile End (Mr. Piratin). I would prefer to leave that to the hon. and gallant Member for North Blackpool (Mr. Low) and others, however, and to put shortly the point we want to raise on this Motion that Clause 1 stand part—what sort of real priority will be afforded to the evacuation of the troops? Are they, or are they not, to wait until the different settlements meet for various harvest operations, which frequently seem to come into Government statements? If they are to await such operations, it would appear that, owing to the shortage of traffic, of rolling stock and so forth, there may well be the delay which the Government does not desire to see in the total evacuation of British troops before 1st August?

Now, I want to ask your advice, Mr. Burden, as to whether you would like me to raise on the Motion that Clause 1 stand part, or on Clause 3, the many questions on the subject of finance, loans, assets and questions involving the Custodian of Enemy Property, and so forth, to which we did not get answers on the Second Reading and to which we would like to get answers on the Committee stage?

The Temporary Chairman (Mr. Burden): The right hon. Gentleman had better wait until we get to Clause 3.

Mr. Butler: If that is your Ruling, Mr. Burden, I will reserve the batch of questions which I have prepared with great care and assiduity to put to the administration on those subjects. That brings me back to the main issues of Clause 1. This is the occasion upon which we take leave of Clause 1—the termination of His Majesty's jurisdiction in Palestine. All of us this afternoon must be feeling particularly sad that this should be the case, and extremely anxious, after what we have heard during the long Debates today, about what will occur when we go out. Those must be the sentiments on all sides of the Committee, whatever shades of opinion we may hold upon the Palestinian problem—and nothing that has emerged from statements from His Majesty's Government has given us any assurance on these matters. Nothing has been enlarged on, or added to the statement of the Secretary

of State when he said that he could not be sure that after 15th May the Commission would be present to take over.

I would like to ask the Secretary of State whether there is anything in the talk which I have seen in the newspapers that a truce is to be arranged between the two sides in Palestine. Rumours have come to my ears from those who are at present in that country that frantic efforts have been made, even in the last few weeks, to try to arrange some sort of truce which would leave the situation less alarming on our departure than it would otherwise be. Has any intervention been made by His Majesty's Government, or their representatives with the United Nations organisation on the American continent, to try to arrange such a truce? Have any steps been taken with any particular Governments to enlist their aid, or any steps taken locally in Palestine itself, to try to arrange for a truce before we depart, or on the eve of our departure? I should find it extremely difficult to reach such an arrangement, but that does not mean that we should not try, and press the Government to do all they can to make the situation less hideous. Whether we share the views of my hon. Friend the Member for Cambridge University (Mr. Pickthorn) that we should oppose the Zionist Movement, or of other Members, whose names I need not mention, that we should support the Arab case, the fact is that, with the British departure, the Jews and Arabs are going to be the sufferers. Whether we take sides or not, the fact of the British withdrawal will mean that there will be a grave responsibility placed on the leaders of those two communities on the date of our departure.

I did not feel at all convinced, when I heard of them on Second reading, that the administrative arrangements suggested by the Secretary of State are anything like adequate to meet the situation. The recruiting of one or two odd policemen in the villages, and attempts to get a small cadre of organisation, are nothing to the possibility of cataclysm which may take place immediately after our departure. I ask the Government not only if they have made efforts towards a truce and getting the two sides together—which I sincerely pray for—but whether in the intervening period they will encourage the possibility of strengthening the situation, so that an immediate crisis or clash does

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not take place on our departure. There have been rival voices in the Committee as to whether the issue here is one which can be placed as a direct responsibility on the Government or not. Were this in the ordinary clash of Debate, it would be possible for me directly to blame the Government and fix the whole blame on their shoulders, but the fact is as I said on Second Reading, and adhere to it, that, since the Government put the matter before U.N.O., I believe that although they have been dilatory they have been pursuing a policy on the right lines.

I am not satisfied, however, that although they have had the right intentions, they have shown enough energy or strength in achieving some possible solution of this problem, which otherwise would be hideous. I make a last appeal to them on parting with this Clause, with a full sense of responsibility—and I shall not engender undue heat or unpleasant feelings, because we shall have unpleasant feelings enough before this story is ended—to tell us that they have made some efforts, in company with friends on the United Nations, and by appeal to this nation or that, to reach a more satisfactory conclusion than that of the present moment.

I have never been primarily responsible for the conduct of Palestinian affairs from the point of view of the Opposition. I hope my right hon. Friend the Member for West Bristol (Mr. Stanley) will be back soon to take charge of these matters. He has a greater knowledge of this subject than I could possibly have, and has greater support in the Committee than I could possibly have, but, in the very short period in which I have been brought in to help him and my hon. Friends on this side, I have been horrified by the situation as I have found it. It has left on my mind the most unfortunate impression, and I feel sure that there is the same feeling in the breasts of His Majesty's Ministers. I feel sure they will exert themselves to the utmost to avoid such events and scenes as we have seen in India, and to bring about a situation in Palestine which may be less awful than some of us fear.

Mr. S. Silverman: I would not have thought myself that there was any room for gloom or despondency or sadness in the mere fact that our authority in Palestine and the Mandate are being terminated.

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[Mr. Silverman.]

Nobody ever thought at any time that our authority was other than the authority of a Mandatory, or that it would be eternal or indefinite. It was contemplated from the start that it would some day end, and the fact that it does end is not of itself a matter for desolation or despair. That, by itself, meant the fulfilment of the Mandate. What makes us all sad to the point of broken-heartedness is that it should end in this way, that it should be terminated under failure, that it should leave nothing behind it but chaos and anarchy and despair. I cannot refrain from saying again that the policy, or lack of it, of His Majesty's Government in the last 2½ years must bear the main responsibility for that.

I do not want now to talk of that. We are dealing only with Clause 1 and what it does. The position gets more and more confused every time the Government make a further contribution to the discussion. We do not know at all what they regard as the proper position or what they wish to be the proper position. Everyone has been talking today about the United Nations position as if it consisted entirely of leaving a United Nations Commission in Palestine, but that, of course, was only part of the recommendations of the Assembly. It was one of the machinery parts, and that machinery we have obstructed. I do not want to repeat the speeches which I have made already today, but, if there is nobody there now, if there has been no gradual transference of authority to the United Nations Commission or anyone else, that is because His Majesty's Government so willed it.

I know that they say that they did it for the best reasons in the world—that they could not guarantee the safety of the United Nations Commission—and that it was wrong to have divided authority or to surrender our jurisdiction piecemeal, and that the presence of the United Nations Commission, and the carrying out of the other preparatory recommendations of the United Nations Assembly, would have been difficult. That would be all very well if we were putting in other and better preparatory arrangements of our own, but it is a very poor case when we are, designedly and deliberately, putting in no preparatory arrangements or machinery of our own. One might think that, in the absence of better proposals, there was a clear duty upon the Government to give full facilities to the United

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Nations to carry out the obligations which the Government themselves say are the obligations of the United Nations. The position into which they have now put themselves is the position of saying to the United Nations: "This is your responsibility; for heaven's sake do something about it, but we will not allow you to do any of those things which you wish to do about it." That is the exact situation, the result of all these long deliberations for the General Assembly and at the Security Council. That seems to me to be a terribly irresponsible thing to do.

3.15 p.m.

I can agree with the view that as things have now developed there is no future for the Mandate. I do not think that that was always true, even in the last two years. I still believe that if the Foreign Secretary's undertaking to the Anglo-American Commission to implement their report if they were unanimous about it had been carried out, all the later tragedy could have been averted. It is no answer to say "Oh, America did something wrong about it," or "the Arabs did something wrong about it," or "The Jews did something wrong about it," or "There was no agreement about it." It was precisely because there was no agreement that the Anglo-American Commission was appointed. There were no qualifications and no conditions about the promise to implement their report if they brought in a unanimous report.

I know nothing, as I was not a member, but I feel certain, looking at the personalities of those who were members, and remembering that they did produce a unanimous series of recommendations, that many members of that Commission must have made great sacrifices of their own personal point of view in the interests of unanimity, believing that was far better than laying any emphasis on the points on which they disagreed. They preferred to sink their differences as an international commission and find ground on which they could get unanimity, relying on the undertaking of His Majesty's Government that if they were unanimous the Government, on their side, would implement the recommendations. If that had been done, I feel the Mandate would still persist with advantage to this country, to the world and to Jews and Arabs alike.

That was not done, and in its absence I confess that there is no future for the

Mandate. We could not continue to bear that situation alone. Our soldiers out there, many of them boys of 18 and 19, ought to be brought home. Who was it who decided to send untrained troops of that age into that area? We certainly must bring them home now as quickly as possible, and with that part of the Government's present policy I am in enthusiastic agreement, but I cannot reconcile myself to doing it and leaving Old Anarch to reign in our stead, with nothing but chaos and no one with authority, as well as no law, no order no power, no rights, and without the United Nations, who have been called in, to provide that series of steps to avoid the chaos which must otherwise result.

Major Beamish: What steps?

Mr. Silverman: The steps that the Commission must come in early and that the period should be used between their entrance and the termination of the Mandate to make the conditions recommended in the United Nations recommendations operative, to set up provisional governments in the Jewish and Arab States or in either of them if the other would not do it; to set up some authority in the meantime and gradually to transfer power, though not at once. It must be remembered that that cannot be done at once. Administration could gradually be handed to these bodies so that when the time came for the Mandate to end there would be some authoritative body to take our place. Remember, we were left with the choice of date. No one imposed any limits of time on us, but it was suggested "Whatever date you choose, let us in beforehand, and let us set up this machinery as best we can, so that we can transfer authority gradually and progressively to those who are to take over, and when you go there will be somebody with the right of succession left behind to prevent the thing falling apart into anarchy and chaos."

It is no answer to say that the recommendations were difficult to work or that we did not approve of them, unless we were prepared to suggest better ones. If we were not prepared to suggest better ones of our own, surely at least there was an obligation upon us to allow those which the United Nations had agreed to be worked if possible. All we have done has been to prevent them from trying. The

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Minister of State shakes his head. I do not understand why. It is a fact; we have prevented them from trying.

Mr. McNeil: I do not want to interrupt the hon. Member. I shook my head because, for example, he has told us over and over again about the impediments we have placed in the road of the Commissioners. No attempt is made to examine the facts. My hon. Friend knows, for example, that we invited the Commissioners to come to London so that the difficulties might be discussed. Not only have they not come to London, but we have not even been notified of any date on which they would arrive.

Mr. Silverman: The Minister of State does his best as a loyal Member of the Government to defend the Government and Government policy, and I admire and applaud him for doing it. I am sure he makes the best case that can be made, but I am sure that when he is off the Front Benches he will be the first to recognise how poor it was.

Mr. McNeil: No, no.

Mr. Silverman: Well, then, he will not. If he does not recognise it, it is his business and not ours. The rest of us, I can assure him, will not find very much comfort in the intervention he has just made.

Mr. McNeil: There are the facts.

Mr. Silverman: I will not quarrel with the right hon. Gentleman on his statement of the facts. I know he has stated the facts correctly; it may be that they were invited to come here and did not come. So what? They wanted to go to Palestine and they were kept out. There is no answer to that. They should be entitled to choose for themselves. It may be that the policy of His Majesty's Government was wiser than that, but we have seen little evidence of it and the result of that policy does not lend any colour or credibility to the view that we knew so very much better than the United Nations what would happen in certain eventualities. I will not argue that, however; it may very well be that they were wrong not to come, but that is no answer to the case I am putting.

I am saying they were entitled to choose for themselves, and what the United Nations told the Commission to do was to go to Palestine, and what His

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[Mr. Silverman.]

Majesty's Government did was to stop them from going. [Interruption.] Who said "No"? The facts are beyond dispute, and nobody disputes them. Certain reasons have been given. I do not care whether they were good ones or not, for unless we were prepared ourselves to take preparatory steps to avoid chaos when we left we had no right to prevent other people from taking such steps as they wished to take to avoid chaos when we left.

Major Beamish: Is not the hon. Member completely ignoring the fact, which he knows is the case, that it is utterly impossible to enforce partition on an unwilling Arab population without an international police force or a force of some kind? Therefore, does not his whole argument fall absolutely flat?

Mr. Silverman: I am not ignoring that, nor am I ignoring anything else; nor did the United Nations General Assembly ignore it, either. All these facts were known. I know what the hon. and gallant Gentleman is thinking; I also know the hon. and gallant Gentleman will look upon the facts fairly and not draw the wrong inferences from them. The point he has just made was well within the knowledge of the United Nations Assembly when they made their recommendations; they knew it was difficult; we all know it is difficult. The question is not whether it is difficult, but whether anything they could have done—

Major Beamish: The hon. Member does, then, accept the fact that the United Nations have completely and utterly failed to face up to their responsibilities and to the implication of the decision they have made?

Mr. Silverman: I thought I was saying the exact opposite. They did not assume jurisdiction in this matter. It was His Majesty's Government who invited them to do the best they could. His Majesty's Government went to the United Nations and said, "We have failed. We can do no more. Take this Mandate back and do better with it yourselves." The United Nations, so far from failing to face up to its responsibilities, faced up to them manfully and, let it be remembered, reached the same

recommendations as were reached in 1937 by the Peel Commission, which all parties and all newspapers in this country were recommending to His Majesty's Government last July before they ever went to the United Nations at all.

The Foreign Secretary, dealing in this House with partition, said: "I cannot enforce it. I cannot do anything about partition, because it is outside the Mandate. I have no authority under the Mandate to set up Arab and Jewish States in Palestine. If partition is the solution, only the United Nations can do it." He made no objection to it; nor, at the United Nations, did we either object to partition or recommend anything else. It is very unfair, in those circumstances, to say of the United Nations that they did not face up to their responsibilities. They did: they made a series of recommendations, and they set up machinery—maybe inadequate machinery; I do not know—upon which they relied to implement their recommendations. Maybe it would not have worked, but His Majesty's Government are not entitled to say so, because His Majesty's Government prevented the United Nations from trying. That is the melancholy in this Clause: not the termination of the Mandate, but the hopeless gesture of despair, of running around like spoiled, vain children who, because they cannot get their own way, will not play. That is what is sad about it: the complete abnegation and repudiation of authority, and the abnegation of moral responsibility—the running away.

Mr. A. R. W. Low (Blackpool, North): If I felt that there were time I could argue with the hon. Member for Nelson and Colne (Mr. S. Silverman) for a long while.

Major Beamish: There is half an hour.

Mr. Low: I know, but there are many others who want to speak. I noticed that the hon. Member punctuated his speech with remarks such as, "I do not want to repeat the speeches I have already made." Many of us had had the chance of hearing those arguments from him before, and my hon. Friends have answered him before. I wish to concentrate on the points mentioned by my right hon. Friend the Member for Saffron Walden (Mr. R. A. Butler), connected with the evacuation of our troops and of military stores.

When the Minister of State wound up the Second Reading Debate he said:

"For security reasons it still is important that I should not attempt to give any details in reply to that question about the state of our withdrawal."—[OFFICIAL REPORT, 10th March, 1948; Vol. 448, c. 1358.]

Five days later the authorities in Palestine proceeded—so we are told by "The Times"—to give a series of details. The right hon. Gentleman might have tied up his security advice with the security advice given to the people on the spot, because this information, with perhaps fuller details which he could have given us, would have been of great interest to hon. Members, and to everybody in the country, who are seriously concerned with the position of our troops and of our stores. I notice that a remark made outside this House by my noble Friend Lord Salisbury, that the value of the stores was £50 million, has never been denied. We cannot afford to give away £50 million, or even part of £50 million at this time, unless there is a very good reason.

3.30 p.m.

First, let me deal with the position of the stores before passing to the evacuation of the troops. Though I take the position of the stores first, it is not because I think the stores are of greater importance. So far as I have been able to ascertain, the total quantity of valuable Army stores and equipment to be moved from Palestine since the decision about evacuation was made, is 623,000 tons. Added to that, there is a quantity of 25,000 tons of Royal Air Force stores. I got that information from answers to Questions I put in this House on 20th and 28th January. I am told, in the report in "The Times," that out of that 648,000 tons only 145,000 tons have so far been evacuated—that is up to the middle of March. Surely, that is a very unsatisfactory position and even more unsatisfactory when the authorities in Palestine state that the aim is to load at Haifa, which is the only port in use, 16,000 tons of stores per month, rising to 20,000 tons. We can immediately see that more than half of these stores are to be left behind.

Hon. Members may think that that is not a very bad thing, because there is obviously a lot of stores which have to be left behind, but perhaps they do not remember that the 623,000 tons of Army

stores which I referred to is the residue of a much larger quantity, and that it has already been decided to dispose locally of just under 1,000,000 tons of Army stores. It had apparently been decided that we must try and evacuate the whole of this 600,000-odd tons of stores and equipment, but it looks as if we shall fall down on this and evacuate very much less than half by 1st August. I realise, of course, that some stores can be evacuated by road and rail, but I do not think anyone will expect a greater tonnage to be evacuated by road-rail than can be evacuated by sea.

What has been holding up this evacuation? As I have said before in our discussions on Palestine, there seems to be no reason why the evacuation of stores should not have begun immediately it was decided to refer to the United Nations. What has caused this very small amount of stores being evacuated? There are two possible reasons. Firstly, that the citrus traffic has been given a higher priority than the evacuation of Army stores. One can form that opinion, based on what the Secretary of State said on 11th December. He said:

"It is our purpose to cause the least possible disruption to the economy of the country, and to interfere as little as possible with the normal trade, especially the citrus trade."—[OFFICIAL REPORT, 11th December, 1947; Vol. 445, c. 1214.]

In general, we are obviously in sympathy with what the Secretary of State said on that occasion, but it occurred to many of us that, as a result of the application of that principle, the evacuation of stores was being held up in favour of the citrus trade, but the Under-Secretary denied that on 26th January. What do we find in this statement issued by the authorities in Palestine on 15th March? This extract was not published in "The Times." They say this about the evacuation capacity:

"Palestine railways have a total capacity of 22 trains of all kinds a day. Much of this is not available, owing to the higher priority demands of the citrus trade and the necessity to sustain the civilian economy."

There is a certain amount of contradiction to say the least of it, which must be cleared up by whoever replies to this Debate. I suggested that there were two reasons for the small amount of stores being evacuated and I gave as a first reason the priority given to the citrus trade.

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[Mr. Low.]

The second possible reason is that insufficient shipping has been made available. I was in some doubt about this at the beginning of this year, and I put a Question to the Minister of Transport on 2nd February. I asked him:

"... for what tonnage of Service Department stores scheduled to be evacuated from Palestine will shipping be available in each month of 1948."

The right hon. Gentleman refused to give me any details on grounds of security, but when I asked him a supplementary question:

"Is the right hon. Gentleman satisfied that there is sufficient shipping for the plans?..." he replied:

"... Yes..."—(OFFICIAL REPORT, 2nd February, 1948; Vol. 446, c. 1451-2.)

Again, I refer the Committee to a statement made by the authorities in Palestine where, in discussing evacuation difficulties, they said this:

"Haifa is the only suitable withdrawal port, and sufficient shipping is only now becoming available."

It seems that the Minister of Transport did not know the facts when he replied positively on 2nd February. I ask the Committee to give this matter their serious attention, because the importance of evacuation has been stressed from both sides of the House. It is a difficulty which all hon. Members understand, but surely we must insist that when Ministers are replying to our doubts we should have answers based on the facts as they are. It would seem to me that there have been some mistakes or some negligence—I would not say wilful hiding of the facts—which is something which we in this Committee should not tolerate from the Government Bench.

Now I come to the position of the troops. Again, I have to take what evidence I can put to the Committee from this extract in "The Times." First of all, withdrawal from Jerusalem. I understood it was the intention of the Government that all troops should be withdrawn from outlying stations, including Jerusalem, into a bridgehead or enclave, or whatever it is called, immediately following the termination of the Mandate on 15th May. I find that the Army authorities say:

"The British Army are not likely to be in Jerusalem much more than two weeks after end of the Mandate."

84 B 4

We know from the newspapers and reports from the Government of the terrible strain which faces British troops today in Jerusalem. What will be their position during the two weeks after the termination of the Mandate on 15th May? We know from statements made by Ministers that there is no proper restriction on the carrying of arms in Jerusalem by Arabs or Jews, and that there will probably be no restriction on the carrying of arms after 15th May. Be that as it may, until 15th May we have authority in Jerusalem, and by the exercise of that authority we can protect the lives of British troops. Does that position apply after 15th May? I rather think not. What will be their position? What will they be there for, and what arrangements will be made to see that they can be protected?

Then I want to ask one or two questions about the position when we finally get into what I would call the bridgehead. As I understand it, the Commander-in-Chief will have authority over persons and property in the area covered by British troops, because he is Commander-in-Chief acting for His Majesty the King. He would, therefore, in normal times, have authority to permit the carrying of arms by civilians, as I think the Attorney-General will agree. Obviously that is so in wartime, and I should have thought that it would be so in peacetime. In fact, we find that as a result of the policy of His Majesty's Government, authority has been given to both sides to carry the necessary arms to defend themselves. Therefore, we shall have our Forces withdrawing into an area which is full of men who are potentially hostile, I will say no more than that, to each of our soldiers, and who are allowed to carry arms and have ammunition. That seems to me to be a very odd state of affairs. I should like to know whether the authority of the Commander-in-Chief to rectify that matter, if he so decides, is in any way limited? I should be grateful for answers on these points when the right hon. Gentleman replies.

I wish to raise one more point, which can be most conveniently raised on this Clause, because it concerns a type of British official not covered by any other Clause in the Bill. As I understand the position, provision is made elsewhere for dealing with the case of the civil servants

of the Palestine Government. I want to direct the attention of the Committee to British citizens who are in the employment of the Municipal Corporation of Jerusalem. This, I think is a new point. The position of such a British citizen is not covered by the Bill because he is not in the direct service of the Government of Palestine. Such people, if I may draw an analogy with the Government of India Act, resemble in their position that of the non-Secretary of State civil servants in India, whose position has caused many hon. Members a great deal of anxiety, and in whose case there has not yet been a satisfactory settlement. It is because of my memory of the problems there that I am raising this point now.

I would like to emphasise what the position of these officials is. I have here particulars of one case in which a man, who happens to be a constituent of mine, joined the staff of the Municipal Corporation of Jerusalem 28 years ago, having been appointed to it by the Occupied Enemy Territory Administration. He feels that whatever may be the legal position when His Majesty gives up jurisdiction in Palestine, he must give up his position in the Municipal Corporation of Jerusalem. He feels that his future career has been ended by the action taken by His Majesty's Government, whether we like it or not. Is it not, therefore, right that His Majesty's Government should look to it and see that this man is compensated, or at least that his pension is guaranteed. I put that point to the right hon. Gentleman. I should not be surprised if he is unable to give me an answer at present, as these matters are difficult, but I should like to emphasise it to him and to seek an answer later.

3.45 p.m.

Mr. Warbey: I should not have intervened in this Debate had it not been that the Chief Whip rather unkindly produced the axe. I had been hoping to catch the Chairman's eye and to make a speech in reply to the Amendment. Unfortunately I was unable to make it, so a very good speech is not on the record. I do not intend to put it on the record now. A number of points still remain completely unclear and before we part with the Clause we ought to have clear answers to one or two points.

I must confess that after hearing the speech of the Attorney-General I felt there was more necessity than ever for the

84 B 5

Amendment we had proposed. I would like to know whether the Government are prepared to look at this matter again between now and the Report stage and to alter the Clause in the way suggested. There is no reason why an Amendment should not be made. If there is any drafting difficulty I hope the Government will be able to remove it, and will produce an Amendment on the Report stage in the terms which have been suggested. I do not quarrel with the statement which the Attorney-General made that juristic sovereignty would not automatically pass to the United Nations on the appointed day. It is true that he went on to argue that we could make it pass to the United Nations by writing something into the Bill. It may well be that we cannot create international law by an Act of this Parliament and that a legislative Clause is not the appropriate way of doing it.

What is certain is that the decision and statements, statutory or executive, of this Government, are a contributory factor towards the situation that will arise after 15th May. On 16th May, according to the legal opinion of the General Secretary himself, the United Nations will be responsible for Palestine. The Attorney-General says there is doubt about it, and that where juristic sovereignty lies will depend very largely upon the facts. What are the facts, in a case where it is a question of which authorities receive *de facto* or *de jure* recognition? What contributes to making the facts in such a case? Surely one of the facts in cases of this kind is whether or not governments recognised bodies as *de jure* or *de facto* governments? That is an important contribution to the facts. If the British Government will make it absolutely clear that at midnight on the appointed day the authority which the British Government will recognise will be the United Nations organisation and no other body whatsoever, that would be of importance.

I am not asking the Government to put that statement into the Bill, but at least the Secretary of State for the Colonies could make a clear and unequivocal declaration to that effect. If he is not prepared to do that, then the suspicion to which my other hon. Friends have already pointed must arise, that the Government are endeavouring to leave the door open for the possible recognition of other authorities. We know there are other

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[Mr. Warbey.]

people claiming, and going to claim, authority in Palestine; we know that people are going to seek power by force, and we know that the rebel and war traitor, Khader Hussein, has been in Palestine, and will go there again as soon as he can—

Mr. S. Silverman: He is there now.

Mr. Warbey: —in order to establish his authority by force in Palestine. Do we really want to leave the door open for an authority of that kind, or do we want to close the door to the recognition of any rebel authority against the authority of the United Nations? That is really the test of this case. Do we recognise the authority of the United Nations over Palestine as becoming absolute and unequivocal on 16th May, or do we leave the door open to the recognition of any rebel authority, that is to say, any authority which would be in rebellion against international society? I ask the Government to give us, if not an assurance that it will amend this Clause, at least a clear declaration on this point so that nobody will be in any doubt when 16th May comes that this Government recognise the United Nations organisation as being responsible for exercising jurisdiction and maintaining law and order in Palestine.

Sir P. Hannon: I have never been present in a Debate in this House which has given me greater anxiety than the Debate which has taken place this afternoon. I certainly do not envy His Majesty's Ministers the situation they will be in after their handling the Palestine problem; they will be in a pitiful situation.

Let us try to visualise the situation of the people in Palestine in the interval between 15th May and the time when some form of settled administration comes into being. It will be a deplorable position, which will certainly give the greatest anxiety to people throughout the country. I do not often agree with the hon. Member for Nelson and Colne (Mr. S. Silverman), but I followed his speech today with great interest and sympathy. He presented a case to this House which His Majesty's administration will find it very difficult to answer, not that I would like to accuse the Secretary of State for the Colonies of being unable to deal with the

hon. Member for Nelson and Colne. However, he certainly presented a case which will take some time to examine in order to give an appropriate reply.

What is going to happen in Palestine during the interregnum, during the difficult and dark days which the people there will have to suffer? What undertaking can the Government give to this country, and, indeed, to the whole civilised world, that the situation in Palestine will be maintained in such a way as will permit a decent and wholesome relationship to exist among the individuals who come under the administration of the United Nations?

In the Second Reading Debate, I asked the Secretary of State whether, in this interregnum period, he proposed to make any careful preparation with a view to safeguarding the Holy Places in Jerusalem. I apologise Mr. Beaumont, for coming back to that matter again, but it is one of grave anxiety to masses of people throughout the Christian world, and, indeed, not only throughout the Christian world, but throughout the Jewish and Muslim worlds as well. Try to imagine for a moment the situation in Jerusalem, which has been the foundation of the three great religions of the world. Imagine the administration of that community. No Governor has yet been appointed and there is no formally constructed Constitution. No system of Government on practical lines is in operation or even conceived, and the place is to be left in chaos for an interminable period. Faced with a situation of that kind, what reply has the Secretary of State to make as to acts of constructive statesmanship during the time he has been in charge of the Colonial Office?

All over the world today the people will feel that in handling this grave question the Government have muddled it and messed it in a way which will be accorded by mankind the verdict of one of the ugliest and darkest chapters in the history of our present administration? I grieve to think of the situation in Palestine when the United Nations administration takes over. Have His Majesty's Government yet found a Governor of the character, vision, judgment and other qualities competent to deal with the situation which is bound to arise, and have they prepared any scheme of administration for the competent authority to exercise?

Mr. Creech Jones: I would like the hon. Gentleman to get his facts correct. The Trusteeship Council is charged with the responsibility of discovering the Governor. We have done everything in our power to press the Trusteeship Council to a conclusion on this matter. If the Trusteeship Council has postponed its consideration of this problem, the responsibility must not be laid at our door. We have done all we can to hurry up the deliberations of the Trusteeship Council, and we cannot do any more.

Sir P. Hannon: Of course I accept that at once, coming from the Secretary of State, and indeed he has my deep sympathy in the trouble through which he has passed in relation to this great international question. However, he should have taken earlier steps to secure that the action of the Trusteeship Council would be exercised more vigorously and quicker.

Mr. S. Silverman: The setting up of a separate part of Palestine to cover Jerusalem and the Holy places was only part of the general scheme of partition. There are three areas—the Arab, the Jewish and the internationally-controlled areas. The Government's difficulty is that they say they are trying to press the United Nations to implement one part of it and are obstructing it in every other part.

Sir P. Hannon: I leave the Secretary of State to deal with the subtle implications of that statement. Believe me, the country is feeling very bitter about the situation. They feel that Palestine is in a state of chaos and anarchy, the future consequences of which cannot be seen. I sincerely hope that at the eleventh hour, before we reach the Report stage of this Bill, some effort of statesmanship will be made. One might say in the language of Gladstone that the resources of the State cannot be exhausted and the resources of civilisation cannot be exhausted at the instigation of His Majesty's Ministers in dealing with a problem, the peaceful and hopeful solution of which would mean so much in the decent opinion of mankind in the future as to the responsibility with which this Government carried out its work in Palestine.

Lieut.-Colonel Lipton: I wish to support the very earnest plea which has been made by the hon. Member for Moseley (Sir P. Hannon). It is quite clear to me,

as it must be to many other hon. Members, that the future of Jerusalem is causing very widespread anxiety throughout the world. As the Secretary of State has said, it is quite true that the Trusteeship Council has been asked to make such arrangements in regard to Jerusalem as may be appropriate. It seems to me, however, that the request to the Trusteeship Council was made at a rather late stage in the proceedings—

It being Four o'clock, The CHAIRMAN left the Chair to make his report to the House.

Committee report Progress; to sit again upon Monday next.

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1948	E	81
	PALESTINE	E 3780 23 MAR 1948

Registry Number } E3780/8/31

FROM P.Q.
Mr. Niall
No. Macpherson

Dated 15th March

Received in Registry } 23rd "

Palestine. Extra Territorial rights.
Mr. Niall Macpherson. asked Secretary of State whether he will enter into negotiations to secure extra-territorial rights for all British subjects in Palestine during the period which will elapse during the surrender of the Mandate and the final evacuation of our troops.
Mr. Mayhew. No.

Last Paper.

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(Minutes.)

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References.

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EASTERN.

Parliamentary Question

* 32. Mr. Niall Macpherson.—To ask the Secretary of State for Foreign Affairs, whether he will enter into negotiations to secure extra-territorial rights for all British subjects in Palestine during the period which will elapse between the surrender of the mandate and the final evacuation of our troops. [Monday 15th March.]

Dumfries

ANSWERED 18 MAR 1948
REPLY ATTACHED.

Legal Adviser for o.b. please

23 MAR 1948

The question presupposes a state of insecurity in Palestine when British subjects might be unable to obtain justice from such local authorities as there might be after the termination of the Mandate. The exercise of extraterritorial rights would necessitate retaining in Palestine the means of exercising jurisdiction and of enforcing it, and in the circumstances ~~it~~ supposed this would involve leaving in Palestine a considerable part of our administration. It would mean in effect our staying in Palestine and exercising a concurrent jurisdiction with the successor authorities, which would be contrary to our policy. The British military authorities would not be in a position to assist in the matter since the G.O.C.'s authority will be limited to what is necessary to secure the safety of our forces and their orderly evacuation.

If there should be a settled government in Palestine during the period in question, there would appear to be no justification for the exercise of extraterritorial rights. We do not exercise such rights in neighbouring Arab countries in the Middle East.

Mr. Fitzmaurice.

WV9 E
(M.V. J. EVANS)
12th March, 1948.

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No, Sir.

NOTE FOR SUPPLEMENTARY

In the conditions likely to exist in Palestine after the 15th May, it would not be possible to exercise extra-territorial rights on behalf of British subjects unless British Courts were maintained, together with the means of enforcing their decision. This would be contrary to His Majesty's Government's policy of withdrawing from Palestine.

DRAFT REPLY
TO
P.Q. NO. 32
OF
15TH MARCH

Mr. NEILL MACPHERSON

H. J. Zealey 13/13

Blindman

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**PALESTINE (BRITISH
SUBJECTS)**

Mr. N. Macpherson asked the Secretary of State for Foreign Affairs whether he will enter into negotiations to secure extra-territorial rights for all British subjects in Palestine during the period which will elapse between the surrender of the Mandate and the final evacuation of our troops.

Mr. Mayhew: No.

18 MAR 1948

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**PARLIAMENTARY
QUESTION.**

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Mr. Mayhew: No.

18 MAR 1948

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8218 J
was available from Palestine.

8221 SHAW ES
Both the Hc. and Disposals

Mission have been asked to

Comment ~~on~~ on Samal Hussein's

telegram (see attached W.O.

tel.) The Mission cannot conclude
a deal without refce. to London.

By. Mar 30

J. J. Bent
Mar. 25

L. P. L. Pyman
25/3

R. R. R.
25/3

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NLT SECRETARY OF STATE FOR FOREIGN AFFAIRS LONDON -

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APPROPRIATE AUTHORITIES IN THIS REGARD STOP SECOND
REPLACEMENT OF PUBLIC TENDER BY DIRECT NEGOTIATIONS
FOR SALE WITH ARAB BODIES THE ONLY LAWFUL PURCHASERS
STOP THE ARABS ARE DETERMINED TO PREVENT WITH ALL MEANS
AT THEIR DISPOSAL THE OCCUPATION BY JEWS OF THIS CAMP
WHATEVER MAY BE THE SACRIFICES STOP THE ABOVE APPLIES

Enquiry respecting this Telegram should be accompanied by this form. Mark Your Reply VIA IMPERIAL

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WORLD
EXCEPT FOR THE FOLLOWING EUROPEAN COUNTRIES: BELGIUM, LUXEMBURG, DANZIG, DENMARK, FINLAND, GERMANY, HOLLAND, LATVIA, LITHUANIA, NORWAY, POLAND AND SWEDEN.
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ISSUING OFFICE

NO.

SENT OUT

BY

PGE4/B ROK70 BEYROUTH

CW
 WITH EQUAL FORCE TO ALL CAMPS AND OTHER MILITARY ESTABLISHMENTS OFFERED FOR SALE STOP THE ARAB HIGHER COMMITTEE REPRESENTING THE PALESTINE ARABS DECLARES ITS PREPAREDNESS FOR PURCHASE AND RESERVES THE RIGHT OF THE ARABS TO THIS AND OTHER LANDS AND DOES NOT RECOGNISE THE LEGALITY OF ANY SALE TO NON ARABS VICE CHAIRMAN ARAB HIGHER COMMITTEE JAMAL HUSSEINI +++++

1940++++++

Enquiry respecting this Telegram should be accompanied by this form. Mark Your Reply VIA IMPERIAL

UNCLASSIFIED PLAIN LANGUAGE TELEGRAM

IZ 795
TOO 22/Nil
TOR 230435Z

FROM : BEYROUTH
TO : MINISTRY OF DEFENCE, LONDON

INDEXED

22nd March, 1948

From Vice Chairman Arab Higher Committee, Jamal
Husseini c/o Foreign Minister Beyrouth.

For Secretary of State for Defence, London.

The Military Authorities in Palestine announced the
sale by public tender of Sarafand Camp together with land
on which it stands, tender to be submitted by 25th instant.

The site of this camp was expropriated from Arabs
under ordinance providing that on evacuation first option
for purchase be given to original owners. Furthermore
the site falls within Lot 1, under Land Transfer
Regulations, 1943 wherein transfer of land to non-
Palestinian Arabs is prohibited. Moreover occupation
by Jews of this important position leads to strangulation
of wide Arab areas especially those of Jaffa, Ramleh and
Lydda districts. The Arabs are prepared to buy this
camp at price to be agreed upon with Military authorities
for civil public purposes. The undersigned is at first
owing to time shortage in connection of sale pending
negotiations with Military authorities in this regard.

2. Replacement of public tender by direct negotiations
for sale with Arab owners the only legal purchasers. The
Arabs are determined to prevent with all means at their
disposal the occupation by Jews of this camp whatever may
be the sacrifices. The Arab High Committee with legal forces
to all camps and other military establishments offered for
sale. The Arab High Committee representing the Palestine
Arabs declares its preparedness for purchase and reserves the
right of the Arabs to this and other lands and does not
recognise the legality of any sale to non-Arab High Committee
Arab High Committee and the undersigned.

CIRCULAR.

TOO 22/Nil

D.S.O.R.
Mr. D.F.C. Plant, Treasury.
Mr. Smith, Foreign Office.
Mr. D.H. Piff, War Office.
Mr. J.R. Rogers " "
Mr. A.P. Bruckshank, Ministry of Defence.
Mr. J.M. Martin, Colonial Office.
Mr. Hisham, " "

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TOP SECRET
CIPHER TELEGRAM

pw. 92

The text of this message must be paraphrased if it is necessary to communicate it to persons outside British Government Service or to retransmit it in a cipher system other than O.T.P. This message will not be referred to in any Unclassified message.

Note. The above notice will be reproduced on any copies made of this message.

INDEXED

From: War Office

FADC/BM/237
Desp. 24 Mar '48.
24 1700 A Mar

To : HQ MILPAL PALESTINE

Info: FLXETS CAIRO

TOP SECRET 10363 24037 ILD

Following for Hayes from Fife.

- ONE You will have seen telegram dated 22 March addressed G. of S. Foreign Affairs from Jamal Hussein Beyrouth on subject Sarafand. Hower has uncorrected copy.
- TWO Telegram claims condition of expropriation first option for purchase be given original owners. Assume claim refers Mireh system land tenure.
- THREE You will no doubt be reporting result of tendering together with any offer received after private negotiation from Arab interests which must be made within very limited time. Also appreciation financial effect inclusion Sarafand in either Jewish or Arab global deal if politically approved.
- FOUR Colonial Office are consulting Palestine Government on ONE separately.
- Request your comments on any proposals made regarding land tenure aspect. Message Control.
- Distribution: P.U.S.
D.U.S. (A) (4)
D.F. (c)
V.Q.M.G.
E.S.M.G.
W.F. (2)
F.D.Q. (4)
D. of A.F.
C. of E. & G.
I. of L. (4)
M.O.S. (Stores) (Mr. C.W. Reid)
M.C.S. (Mr. Cruickshank)
M.O.L.
I. of L. (Diagonals) (4)
- Treasury (Mr. Blunt)
Colonial Office (Mr. Gutch)
Foreign Office (Mr. Beith)
Ministry of Defence (Mr. Newling)
Ministry of Defence (Mr. Frank Wood)
Air Ministry (Mr. Warren)

IMMEDIATE

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E 3828

93

1948

24 MAR 1948

Registry
Number 33828/8/31

FROM

Colonial Office

No

Communicated

Dated

Received 24th March
in RegistryPalestine Forces, "Times" article.

W.S.

Colonial Office telegram to Palestine No 1092 dated March 20th, States immediately following telegram contains text of "Times" article of 20th March alleging that troops in Palestine feel that but for limitations on their freedom of action they could neutralise forces causing military casualties. Colonial Secretary would like to be in a position to state that our forces have full discretion to use their weapons in self-defence as the occasion requires. Asks High Commissioner to suggest reply to "Times".

Last Paper.

3748

References.

(Print.)

(How disposed of.)

(Minutes.)

Dr. H. H. H. Palestine 1978 22/3 (Times) (K. C.)
 Palestine 1978 22/3
 729 22/3
 735 22/3
 25/3

News Dept 1978

S. L. Dept 1978

1978-25/3

(Action
completed.)

J. H. H. n/c

(Index.)

J. H. H. n/c

Next Paper.

3834

20513 F.O.F.

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OUTWARD TELEGRAM.
FROM THE SECRETARY OF STATE FOR THE COLONIES.

O.T.P.

TO PALESTINE (Gen. Sir A. Cunningham).

Sent. 20th March, 1948 14.45 hrs.

IMMEDIATE

No. 1092 Top Secret.

24 MAR 1948

My immediately following telegram contains text of article in Times of 20th March alleging that troops in Palestine feel that but for limitations on their freedom of action they could neutralise forces causing military casualties. Committee stage of Palestine Bill may be resumed on 28th March and I fear that this article may stimulate a revival of the martial law controversy on which we have recently exchanged views. I should wish to be in a position to state categorically that our forces have full discretion to use their weapons in self-defence as the occasion requires. Grateful if in consultation with G.O.C. you would advise on line to be taken in reply to suggestions such as those of Times' military correspondent.

Distributed to:-

H. 243
Secretary of State
Plt. Lt. Crawley
Sir T. Lloyd
Mr. Rees-Williams
Sir S. Cairns
Sir C. Jeffries
Mr. Holding
Mr. Martin
Mr. Trafford Smith
No. 10 Downing Street
Ministry of Defence
Foreign Office
War Office (H.O.C.)

Mr. Gifford
Mr. Maitland
Mr. Hignett
Mr. Gaisworthy
Mr. Holmer
Mr. Dale

- P.S. to Prime Minister
- Private Secretary
- Mr. H. Bealey
- Lt. Col. M.A. Charteris

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withdrawal. All armed civilians will then be treated as enemies to be fired on at sight, and the movement will be carried out as a military operation with full precautions.

Well and good, but this is leaving a long way ahead, as even the abandonment of the mandate is not due until May. In the interval there has to be considered the safety of the troops, both with regard to the lines of communication and the concentration of our little army units. We also still have to make our way out of the kind of trap in which we are now caught, and the only way out of the trap is by a withdrawal to the rear. But even if this is done, we shall

On the other hand, the

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FO *Reference -*
371 / 68617

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INWARD TELEGRAM.
TO THE SECRETARY OF STATE FOR THE COLONIES.

Cypher(O.T.P.)

FROM PALESTINE(Gen. Sir A.Cunningham)

D. 22nd March, 1948.

R. 22nd " " 19.15 hrs.

INDEXED

IMMEDIATE

No.729 Top Secret.

Your telegram No.1092.

Palestine Bill.

The following deals with factual allegations.
I am also sending a personal telegram.

2. I confirm that troops have and always have had full discretion to use their weapons in self defence, subject to limitations on use of heavy weapons imposed by the Chiefs of Staff report number COS 45 (557) O of 30th August, 1945, and by local directions of G.O.C. I do not believe that imposition of martial law or any change in present policy or practice could reduce casualties sustained as a result of surprise attacks by Jewish or Arab bandits. Powers as strong as those exercisable under martial law already exist under Defence (Emergency) Regulations, see my telegram No.1533 of 1947.

3. The position as regards checking of military vehicles at road blocks is as follows:-

In view of attacks and attempted attacks on Jewish quarters by Arabs using explosive trucks and other vehicles (e.g. the Ben Yehuda Street and Palestine Post incidents in Jerusalem and attempts on same lines at Haifa) and on Arab quarters, towns and villages by Jews, both with explosive vehicles and with vehicles carrying armed terrorists (e.g. The Damascus and Jaffa Gate outrages in Jerusalem, the Haifa explosion on 3rd March and attempted bombing of Nablus on 5th March) it has been necessary to authorise both communities for their own protection to establish road blocks covered by fire. Every attempt is being made to limit the number of these blocks to the minimum and as far as possible to keep them off the main routes, though the latter is not always possible. Every endeavour is also made to ensure that Police are in charge on authorised road blocks. Since many of the most serious outrages have been made possible by the misuse by both sides of uniforms and vehicles of the Security Forces and since it is possible that British deserters might be working with either side, it has not been possible to insist that military vehicles shall be exempt from production of their credentials at road blocks.

4. It is undeniable that casualties have occurred from misunderstanding at road blocks, when service vehicles have either failed to stop or have been mistaken for Jews. The solution, however, does not lie in "destroying road blocks and killing their garrisons". The road blocks are not aimed at hampering the Security Forces, but are essential for/

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for the self-defence of community which believes themselves with reason to be in danger of attack by others. Their erection is no way "an act of war". At the moment there is little if any hostility to the Security Forces on the part of Arabs, and the great bulk of the Jews are anxious to avoid clashes with the British. To embark on a policy of firing on members of either community who are not attacking us and who are merely trying to defend themselves would be the quickest way to involve the Security Forces in the general conflict with both Arabs and Jews and, apart from other considerations, greatly to increase the present casualty rate.

5. Any doubts which may at one time have been felt by the Security Forces regarding the degree of resistance they might offer to persons attempting to deprive them of their arms have been removed for some time past. It has been made clear that it is their duty to offer all reasonable resistance.

6. It is of course far from the truth that during the later stages of withdrawal armed civilians will be fired on at sight. The intention is to use force only to overcome (corrupt group) directed at British forces or impeding withdrawal.

7. The reply has been agreed with G.O.C.

Distributed to:-

R. 245
Secretary of State
Mr. Procter
Sir T. Lloyd
Mr. Rees-Williams
Sir B. Osine
Sir C. Jeffries
Mr. Holding
Mr. Martin
No. 10 Downing Street
Ministry of Defence
Foreign Office
War Office (M.O.4.)

Mr. Trafford Smith
Mr. Gutch
Mr. Mathison
Mr. Higham
Mr. Gaisworthy
Mr. Holmes
Mr. Dale

P.S. to Prime Minister
Private Secretary
Mr. H. Beeley
Lt. Col. M.M. Charteris

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1948

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E 3834

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PALESTINE

MAR 1948

E3834/8/31

GRAM FROM

Sheikh Abdullah
Idriss

Dated Tيره

Received in Registry 23rd March
24th "Palestine, Sale of Arab lands in Tireh Village.

States Army disposal authorities are tendering for sale Arab lands in Tireh Village near Haifa which were acquired for public purposes although the purchase price was never assed nor paid. These lands being no longer required for war effort should be restored to their rightful owners in whose names they are still registered. Askd that the army authorities and Government of Palestine be instructed to this.

(Minutes)

The CO. are referring this
to the H.C., as in the case
of Tammal Hussein's tel., for
Comments. See E3798

JB Mar. 25

Last Paper.

3828

References.

(Print)

(How disposed of)

8, Alghar
1, Fife
Alghar
in Haring
Alghar's hand
March 25
by J. H. H.

(Action
completed.)

(Initials)

Next Paper.

3899

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TO = THE RIGHT HONOURABLE THE FOREIGN MINISTER LONDON =

24/3 P.M. 24 MAR 1946

3834
REPORT
24 MAR 1948

24 MAR 1968

FILED UNDER A1 1241 61

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E8834/8/21

100

12 THXA252 HAIFA 223 23 1135 =
 NLT = THE RIGHT HONOURABLE THE FOREIGN MINISTER LONDON =

ARMY DISPOSAL AUTHORITIES ARE TENDERING FOR SALE OUR LANDS
 IN TIREH VILLAGE HAIFA DISTRICT ON WHICH MILITARY STRUCTURES
 ARE ERECTED UNDER THE PRETEXT THAT THEY WERE ACQUIRED FOR
 PUBLIC PURPOSES ALTHOUGH THE PURCHASE PRICE WAS NEVER ASSESSED
 NOR PAID STOP ADJUDICATION IS FIXED FOR THE 25TH INSTANT
 STOP

THESE LANDS BEING NO LONGER REQUIRED FOR THE WAR EFFORT
 PURPOSE FOR WHICH THEY WERE INTENDED MUST IN LAW AND EQUITY
 AND IN CONFORMITY WITH THE PRINCIPLES OF PREEMPTION BE
 RESTORED TO THEIR RIGHTFUL OWNERS IN WHOSE NAMES THEY ARE
 STILL REGISTERED STOP NOTWITHSTANDING THE DETRIMENTAL CON-
 SEQUENCES TO THE VILLAGERS WHO HAVE NOT RECEIVED
 COMPENSATION IN RENT NOR PURCHASE PRICE IN REPECT OF THEIR
 LANDS THE ARMY SHOULD NOT BE ALLOWED BY

ITS POWERS OF COERCIBLE ACQUISITION OF LANDS TO PROFIT
 BY THE EXTENT OF WHICH JEWISH INSTITUTIONS ARE

PREPARED TO OFFER IN ORDER TO ACQUIRE THOSE LANDS WHICH OTHERWISE
 THEY CANNOT DO STOP WE APPEAL TO YOUR EXCELLENCY IN SPIRIT
 OF FAIRNESS AND JUSTICE TO PREVENT THE ARMY FROM BEING AN
 INSTRUMENT FOR THE ALIENATION OF OUR LANDS THE PRECIOUS
 HERITAGE OF OUR FOREFATHERS INTO JEWISH HANDS AND FROM FORCIBLY

DEPRIVING US THEREOF AND PRAY THAT THE ARMY
 AUTHORITIES AND GOVERNMENT OF PALESTINE BE INSTRUCTED

ACCORDINGLY =

CHIEFMAN TIREH LOCAL COUNCIL MUKHTAR SHEIKH ABDULLAH SALMAN

SHADEH 1001000 +++

25TH ++++

SENT HQD 1241/24 ++

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101

1948

PALESTINE

E 3899

26 MAR 1948

Registry Number E3899/8/31

TELEGRAM FROM
Mr. Broadmead,
No. 159 Damascus

Dated 25.3.48

Received in Registry 26.3.48

Sale of Sarafand Camp

Communicates text of memorandum from Secretary-General of Arab League affirming that the sale of this camp by way of open tenders weakens the position of Arabs in Palestine. Asks that date fixed for acceptance of tenders should be postponed..

Copies of memoranda follow by bag.

Repeated to Jerusalem, B.M.E.O., New York, Cairo, Beirut, Bagdad, Jedda and Amman.

Last Paper.

E 3834

References.

- 8) Mr. Higham, C.O.
Mr. Lye, W.D.
Lt Col. Chanters, W.D.
Mr. Renshaw, in Defence
Mr. Chanters, W.D.

26

8) Sherman, Col. H.

April 2.

Gill

3921

this whole question will have to go to Ministers as soon as final proposals are received from Palestine these proposals will now have to take into account the various Arab protests about W.A. land and explain on what grounds the Govt. of Palestine are prepared to justify the proposed sales. O.C.P. are dealing with this. Copy also to Col. Sherman Col. H. J. B. Beins Mar. 31

lp
5/4

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Cypher/OTP

DEPARTMENTAL DISTRIBUTION

FROM DAMASCUS TO FOREIGN OFFICE

Mr. Broadmead
No. 159

25th March, 1948

D. 12.38 p.m. 25th March, 1948
R. 2.39 p.m. 25th March, 1948

Repeated to Jerusalem

B.M.E.O.

New York (U.K. Del.)

and Saving to Cairo
Beirut
Bagdad

Jedda
Amman

26 MAR 1948

IMMEDIATE
SECRET

Addressed to Foreign Office telegram No. 159 of 25th March repeated to Jerusalem, B.M.E.O., United Kingdom Delegation New York and Saving to Cairo, Beirut, Bagdad, Jedda and Amman.

Sale of Sarafand camp.

Following is text of memorandum communicated to me yesterday by Secretary-General of Arab League; Syrian Ministry of Foreign Affairs has also drawn my attention to memorandum which after compliments continues as follows:

"Forward herewith a memorandum about camp at Sarafand belonging to British Army in Palestine put up for sale, with March 25th as the final date fixed for accepting tenders. Secretary-General of the Arab League believes that the sale of this camp by way of open tenders renders the position of Arabs of Palestine weaker than that of others and may result in their losing the chance of purchasing it, thus increasing the state of disorder prevailing in Palestine. He therefore requests intercession of His Britannic Majesty's Minister with competent British authorities with a view to postponing the date fixed for sale of this camp and confining acceptance of bidders to Arabs of Palestine, in accordance with legal considerations set out in attached memorandum which has been submitted to him by Arabs of Palestine."

2. Attached memorandum referred to above makes the following points:-

(a) Camp is on land expropriated under Palestine expropriation laws which gave preference in re-purchase to the original owners. Abrogation of expropriation law in 1943 should not affect this principle.

(b) Camp is in area A and therefore the land under Palestine land laws cannot be sold to Jews without authority of the High Commissioner.

(c) The camp is in an Arab area;

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- 2 -

(c) The camp is in an Arab area; its sale to Jews would therefore mean sale by British Army of Arab land to Jews.

(d) Jewish occupation of the camp would place in danger communications between neighbouring Arab towns.

(e) Camp could be used by Jews for occupation by a large number of illegal immigrants.

(f) Arabs are prepared to purchase the camp at a reasonable price but consider short notice of sale and terms to favour purchase by Jews.

(g) Arabs of Palestine request that the sale should be postponed and method of sale changed to "private agreement" with Arab organisations who are the only legal buyers.

3. Copies in translation of the two memoranda follow by bag.

Please pass to United Kingdom Delegation New York and Jerusalem as my telegrams Nos. 9 and 53 Immediate respectively.

[Repeated to U.K. Del. New York and copies sent to Colonial Office Telegraph Section for repetition to Jerusalem.]

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E 3921 104

29 MAR 1948

1948

Registry
Number: E3921/8/31

TELEGRAM FROM
U.K.Dept., New York
No. 991

Dated 29.3.48

Received
in Registry 29.3.48

Lydda Airport

Telegram No.245 of 27th March addressed to
Jerusalem.

Refers to Jerusalem telegram No.640 to Colonial
Office of 13th March (E1114/8/31). For Gurney from
Fletcher-Cooke.

Offer of technical assistance welcomed; asks
for detailed information.

Re: eated to Washington.

Last Paper.

8 3999
6 3997 3997

References

AM 11/4/48
Ceylonal Syst.

Palestine distribution pre

JB Mar 31

8 Walkeran G.
Khanan Sub m
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M. am.

M. am.
Cher. am.

6/11/48
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Cypher/OTP 29 MAR 1948 DEPARTMENTAL DISTRIBUTION

FROM NEW YORK TO FOREIGN OFFICE
(From United Kingdom Delegation to the
United Nations)

No. 991
29th March, 1948

D: 2.05 p.m. 27th March, 1948
R: 8.25 p.m. 27th March, 1948

SECRET

Addressed to Jerusalem telegram No. 245 March 27th repeated for information to Foreign Office (for C.O.) and Saving to Washington.

Your telegram to Colonial Office No. 640 repeated here as No. 695 Lydda Airport.

Following for Gurney from Fletcher-Cooke

(begins)

Commission welcomes offer of technical assistance as to equipment required and would be grateful for detailed information. (Ends).

Foreign Office please pass Important to Jerusalem

Copies sent to Colonial Office and to Telegraph Section Colonial Office for repetition to Jerusalem]

G G G G

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